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 PUTATIVE CLASS**

**THE UNITED STATES DISTRICT COURT  
 CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

TRENTON SMITH, individually and on behalf of all others similarly situated,  <div style="text-align: right;">Plaintiffs,</div> <div style="text-align: center;">vs.</div> JOHN SHAHIDI, an individual; NELK, INC. dba NELK, FULL SEND, a Canadian Company, METACARD, LLC, a Delaware Limited Liability Company; NELK USA, INC., a Delaware Corporation; KYLE FORGEARD, an individual.  <div style="text-align: right;">Defendants.</div>	) Case No.: 8:25-cv-161-FWS-DFM ) ) <b>[Discovery Document: Referred to</b> ) <b>Magistrate Judge Douglas F.</b> ) <b>McCormick]</b> ) ) <b>JOINT STIPULATION RE:</b> ) <b>PLAINTIFF’S MOTION TO</b> ) <b>OVERRULE GENERAL AND</b> ) <b>BOILERPLATE OBJECTIONS,</b> ) <b>COMPEL FURTHER</b> ) <b>RESPONSES TO DISCOVERY &amp;</b> ) <b>ENTER PROTECTIVE ORDER</b> ) ) Hearing Date: Oct. 14, 2025 ) Time: 10:00 a.m. ) ) Discovery Cut Off: June 10, 2026 ) PreTrial Conference: Dec. 10, 2026 ) Trial Date: Jan. 12, 2027
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**JOINT STIPULATION RE: PLAINTIFF’S MOTION TO OVERRULE GENERAL AND BOILERPLATE  
 OBJECTIONS, COMPEL FURTHER RESPONSES TO DISCOVERY & ENTER PROTECTIVE ORDER**

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1 Pursuant to Federal Rule of Civil Procedure 37(a) and Local Rule 37-2.1,  
2 plaintiff Trenton Smith (“Plaintiff”) and defendants Nelk, Inc., Nelk USA, Inc.,  
3 Metacard, LLC, Kyle Forgeard and John Shahidi (collectively, “Defendants”)  
4 submit this joint stipulation regarding the discovery dispute between Plaintiff and  
5 Defendants. As required by Local Rule 37-1, on August 22, 2025, September 2,  
6 2025, and September 9, 2025, counsel for the parties met and conferred and have  
7 also sent numerous correspondences and met over zoom to discuss these issues in  
8 a good faith effort to eliminate as many of the disputes as possible. *See* Declaration  
9 of John P. Kristensen (“*Kristensen Decl.*”) ¶¶ 2-10, Exs. 1-7.

## 10 **I. PLAINTIFFS’ INTRODUCTORY STATEMENT**

### 11 ***A. The Nature of the Case & Dispute***

12 Plaintiff filed a putative class action lawsuit alleging Defendants sold digital  
13 assets that did not have the characteristics, uses, or benefits Defendants advertised  
14 and promoted. Specifically, using their successful YouTube channel as a  
15 springboard, Defendants created the company Metacard, LLC, to sell digital assets,  
16 including the Full Send Metacard (“Metacard”), that would ostensibly provide the  
17 holder access to business investment opportunities in ventures such as lounges and  
18 gyms, as well as access to products and services. Defendants made statements  
19 regarding the Metacard’s characteristics and benefits intended to promote the sale  
20 of the Metacard through various communication channels, including Defendants’  
21 podcast, a livestream, and an Instagram post.

22 Plaintiff, and many other individuals, spent thousands of dollars each to  
23 purchase the Metacard in reliance on Defendants’ representations regarding the  
24 benefits of the Metacard. Defendant Shahidi assured Plaintiff and the Class that  
25 Defendants would be treating the Metacard venture “as a real business,” like an  
26 initial public offering that “go[es] public” and “takes . . . money to build the  
27 business and grow the business.” Defendants compared the Metacard to a “stock”  
28 or “decentralized stock.”

1 Defendants raised \$23 million in hours. Plaintiff alleges they spent a tiny  
2 fraction of the funds and pocketed the rest.

3 ***B. Plaintiff Met and Conferred***

4 Plaintiff served interrogatories and requests for production upon Defendants.  
5 Defendants served responses on or about August 6, 2025. Plaintiffs sent separate  
6 written correspondence about the interrogatories, and requests for production of  
7 documents and seeking L.R. 37-1 conferences on August 14, 2025, August 22,  
8 2025, September 1, 2025 and September 3, 2025. Three Zoom conferences  
9 occurred on August 22, 2025, September 2, 2025, and September 9, 2025. *See*  
10 *Kristensen Decl.* ¶¶ 2-10, Exs. 1-7.

11 ***C. The General and Boilerplate Objections Must Be Overruled***

12 The discovery responses were littered with pages and pages of general boiler  
13 plate objections. Defendants assert 18 general objections over 4 and ½ pages to the  
14 request for documents alone. Another 15 general objections and a general response  
15 were asserted over five pages to the interrogatories. *See Kristensen Decl.* ¶¶ 3 and  
16 4, Exs. 1 and 2. Even after three (3) meet and confer zoom meetings, Defendants  
17 refuse to provide any legal support for their objections or waive a single objection.

18 Defendants continue to refuse to produce a single declaration explaining the  
19 need for the objections. *Gerawan Farming, Inc. v. Rehrig Pacific Co.*, 2013 WL  
20 398740, \*2 (E.D. Cal. Jan. 31, 2013); *see Marti v. Baires*, 2012 WL 2029720, \*7  
21 (E.D. Cal. June 5, 2012) (reliance on boilerplate objections is an abuse of the  
22 discovery process – especially when a party fails to submit any evidentiary  
23 declarations supporting such objections); *see A. Farber & Partners, Inc. v. Garber*,  
24 234 F.R.D. 186, 188 (C.D. Cal. 2006) (general or boilerplate objections such as  
25 “overly burdensome and harassing” are improper). “The party objecting to  
26 discovery as vague or ambiguous has the burden to show such vagueness or  
27 ambiguity.” *Bryant v. Armstrong*, 285 F.R.D. 596, 606 (S.D. Cal. 2012), *quoting*  
28 *Swackhammer v. Sprint Corp.*, 225 F.R.D. 658, 662 (D. Kan. 2004).

1 The general objections for each set of the interrogatories and document  
2 requests need to be overruled and supplemental responses need to have none of the  
3 general or boilerplate objections.

4 ***D. Information The Disputed Discovery Requests Seek***

5 Plaintiff's interrogatories sought the identification of witnesses (2) and  
6 putative class members (3), the banking and financial accounts defendants used to  
7 collect and disburse the Metacard funds, and the amount of the main distributions  
8 by Defendants after receiving the \$23 million from Plaintiff and the Class (7 and  
9 8).

10 Plaintiff's request sought documents about: (1) any insurance policies; (2,  
11 24, and 27) corporate structure and employee flow charts of the entities, including  
12 corporate minutes about Metacard; (3) the roles involved in the Metacard NFT  
13 project; (4) contracts related to the Metacard NFT project; (5) and (6) the  
14 distribution of the \$23 million; (7 to 23, 26, 28) financial and accounting  
15 documents, marketing, investment related documents, complaints and buyback  
16 programs, disclaimers and terms with purchasers of NFTs (29 to 54) documents to  
17 or from specific individuals regarding the Metacard NFT project and the Bored  
18 Jerky Plan (nearly three years later, Defendants offered class members the  
19 opportunity to turn their Metacard investment into some form of equity in a beef  
20 jerky company.

21 ***E. Protective Order***

22 Plaintiff has been seeking the entry of a Protective Order for months. The  
23 final dispute is about post judgment maintenance of the documents. Plaintiff's  
24 counsel has obligations to maintain their clients' records for up to five years  
25 potentially. Plaintiff agrees to post final judgment destruction, as long as Defense  
26 counsel agrees to maintain a copy of what was designated for that time period.  
27 Defense rejects that compromise.

28 ///



1 ***F. Conclusion***

2 There is no phased discovery in this case. Plaintiff timely served discovery  
3 and met and conferred thoroughly and promptly. Defendants refused to withdraw  
4 a single objection. It is clear that Defendant is simply seek to obstruct at this time.

5 Defendants refused to produce any declarations supporting their objections,  
6 there is no privilege log, and only eight witnesses have been identified.

7 The objections (even to the request for insurance documents), failure to  
8 provide any substantive responses, or a single document evidence Defendants  
9 refusal to proceed with discovery in a good faith manner, in part, to prejudice  
10 Plaintiff's motion for class certification.

11 **II. DEFENDANT'S INTRODUCTORY STATEMENT**

12 This case is a putative class action that is pre-class certification, pre-initial  
13 disclosures, pre-protective order—and as of the Court's dismissal of the Amended  
14 Complaint without prejudice on September 16, pre-operative pleading. Defendants  
15 have produced information in response to the only discovery request that Plaintiff  
16 identified as relevant to his forthcoming class certification motion. And Defendants  
17 have agreed to produce documents in advance of the June 2026 fact discovery  
18 deadline. Accordingly, any dispute over discovery sought in this case is premature  
19 at this stage, and Plaintiff's motion should be denied.

20 ***A. Procedural Background***

21 On May 21, 2025, Plaintiff filed his Amended Complaint (the "AC"). Dkt.  
22 No. 57. One week after filing the AC—in a transparent attempt to harass  
23 Defendants—Plaintiff's counsel filed a nearly identical complaint in California  
24 state court asserting the same allegations, on behalf of the same putative class,  
25 against the same Defendants, for the same alleged misconduct. Declaration of Rona  
26 S. Li ("Li Decl.") ¶ 3.

27 On September 16, 2025, Judge Slaughter dismissed the AC without prejudice  
28 and granted Plaintiff leave to file an amended pleading by October 7, 2025. Dkt.

1 No. 74. Plaintiff's counsel has stated that he intends to file an amended complaint.

2 On September 17, 2025, Plaintiff's counsel confirmed his prior agreement to  
3 continue the case schedule and to postpone Plaintiff's deposition of Drew Hill  
4 noticed for September 24 to a later date. Li Decl. ¶ 19. On September 22, Plaintiff  
5 filed the parties' joint stipulation to continue the case schedule. *Id.* ¶ 20. Under the  
6 continued case schedule, class certification briefing will conclude on January 22,  
7 2026, and the fact discovery cut-off will be June 10, 2026. *Id.*

8 The parties have agreed—at the suggestion of Plaintiff's counsel, in fact—  
9 that initial disclosures should not be exchanged until after the motion to dismiss is  
10 resolved. *Id.* ¶ 2. Additionally, the parties have been negotiating the terms of a  
11 protective order, but the protective order has not been finalized due to Plaintiff's  
12 delay and a dispute over a proposed provision of the order. *Id.* ¶¶ 4, 9, 17.

13 ***B. Defendants Have Provided Information that Plaintiff***  
14 ***Requested for Class Certification***

15 Plaintiff contends that he will be prejudiced in preparing his class  
16 certification motion without the requested discovery, but Defendants have provided  
17 the only discovery that Plaintiff identified as relevant to his class certification  
18 motion. Specifically, Plaintiff represented that he needed the information sought in  
19 Interrogatory No. 3 propounded to the corporate entities (identity of each Metacard  
20 purchaser) for class certification purposes. *Id.* ¶ 11. During the parties' meet-and-  
21 confers, Defendants explained that due to the anonymous nature of cryptocurrency  
22 transactions, they did not possess the names or contact information of Metacard  
23 purchasers but could provide cryptocurrency wallet addresses corresponding to the  
24 January 19, 2022 Metacard sale. *Id.* ¶¶ 6, 12. Defendants subsequently provided the  
25 list of cryptocurrency wallet addresses. *Id.* ¶ 22.

26 Defendants repeatedly asked Plaintiff to identify any additional discovery  
27 that he believes is necessary for his class certification motion and committed to  
28 work diligently to provide any such discovery in advance of Plaintiff's class

1 certification deadline. *Id.* ¶¶ 11-12. But despite Defendants’ repeated requests,  
2 Plaintiff has never identified any discovery necessary for class certification beyond  
3 Interrogatory No. 3. *Id.*

4 Accordingly, Plaintiff’s claim that denial of the discovery sought herein will  
5 prejudice his class certification motion should be disregarded as baseless and raised  
6 without the required notice under L.R. 37-1.

7 ***C. Plaintiff’s Discovery Dispute is Grossly Premature***

8 It is well-settled that “[g]enerally, at the pre-class certification stage,  
9 discovery in a putative class action is limited to certification issues.” *Tamimi v. SGS*  
10 *N. Am. Inc.*, 2020 WL 11273047, at \*20, \*23 (C.D. Cal. May 26, 2020) (discovery  
11 not relevant to class certification determination was “both premature and not  
12 proportionate to the needs of the case at this precertification juncture”)<sup>1</sup>; *Vinson v.*  
13 *Asset Mgmt. Specialists, Inc.*, 2015 WL 13914950, at \*2 (C.D. Cal. June 9, 2015)  
14 (denying motion to compel where “Plaintiff has not shown that the requested  
15 discovery is relevant to the class certification motion,” and “[i]nstead, Plaintiff’s  
16 arguments focus on the merits of the case”). Moreover, focusing on class  
17 certification rather than merits discovery at this juncture is exactly what the Court’s  
18 Scheduling Order contemplates: the class certification deadline is nearly seven  
19 months before the fact discovery cut-off. Dkt. No. 67. And as noted above, per the  
20 parties’ agreement, the fact discovery cut-off is not until June 2026. Li Decl. ¶ 20.

21 Further, Defendants agreed to produce documents responsive to RFPs 2-24  
22 and 26-28, as well as to RFPs 29-54 to the extent those documents are within the  
23 scope of Defendants’ production in response to the other RFPs. Defendants will  
24 produce such documents in due course but should not be compelled to do so before  
25 exchanging initial disclosures and finalizing a protective order ***nine months*** before  
26

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27 <sup>1</sup> Unless otherwise noted in Defendants’ Introductory Statement and Positions, all  
28 emphasis is added, and all internal citations, quotation marks, and alterations are  
omitted.

1 the close of fact discovery simply because Plaintiff is impatient. *See Thunder*  
2 *Studios, Inc. v. Kazal*, 2018 WL 5099748, at \*1 (C.D. Cal. July 25, 2018) (denying  
3 motion to compel where “the producing parties have actually agreed to produce all  
4 responsive documents”); *ViaSat, Inc. v. Space Sys./Loral, Inc.*, 2013 WL 3467413,  
5 at \*7 (S.D. Cal. July 10, 2013) (dispute was not ripe until plaintiffs produced the  
6 documents that they “already offered to produce”); *Scanlon v. Curtis Int’l, Ltd.*,  
7 2020 WL 7360543, at \*4 (E.D. Cal. Dec. 15, 2020) (motion to compel document  
8 production was premature when the parties still had 1.5 months until the discovery  
9 cut-off); *Grigsby v. Munguia*, 2015 WL 1671257, at \*3 (E.D. Cal. Apr. 14, 2015)  
10 (motion to compel was premature where deadline to respond had not elapsed).  
11 Indeed, as of the filing of this joint stipulation, there is no operative complaint in  
12 this case so the allegations subject to discovery are unclear, rendering any discovery  
13 disputes even more premature.

14 Plaintiff’s motion should be denied.

15 **III. GENERAL RESPONSE AND GENERAL OBJECTIONS TO**  
16 **REQUESTS FOR PRODUCTION OF DOCUMENTS**

17 **GENERAL RESPONSE AND OBJECTIONS TO REQUESTS FOR PRODUCTION:**

18 **I. GENERAL OBJECTIONS.**

19 The General Objections set forth below apply to the Requests generally and  
20 to the Definitions, Instructions, and the Individual Requests set forth therein. Unless  
21 otherwise stated, the General Objections shall have the same force and effect as if  
22 set forth in full in response to each Definition, Instruction, and Request. Any  
23 undertaking to search for, or provide information or Documents in response to, any  
24 Request is made subject to the General Objections.

25 1. Defendants object generally to the Requests, including the Definitions  
26 and Instructions set forth therein, to the extent that they seek to impose burdens or  
27 obligations on Defendants that are broader than, inconsistent with or not authorized  
28 under the Federal Rules of Civil Procedure, the Local Rules of the United States

1 District Court for the Central District of California, other applicable rules or laws,  
2 the Stipulated Protective Order to be entered in this Action, the discovery protocol  
3 to be agreed upon by the parties, or any other order entered by the Court in or  
4 applicable to, this Action (the “Applicable Rules”). Subject to and without waiving  
5 any objections, in responding to these Requests Defendants will construe the  
6 Requests in accordance with the Applicable Rules.

7 2. Defendants object generally to the Requests, including the Definitions  
8 and Instructions set forth therein, on the grounds that they seek Documents or  
9 information (including electronic data) protected from discovery by the attorney-  
10 client privilege, work-product doctrine, common interest privilege, joint defense  
11 privilege, or any other applicable privilege, protection, exemption, or immunity  
12 from discovery afforded under any applicable statute, rule, regulation, or the  
13 common law (“Privileged Information”). Defendants claim such privileges and  
14 protections to the extent implicated by the Requests and excludes privileged or  
15 protected material from their responses to the Requests. Any disclosure of such  
16 privileged or protected material in response to the Requests is inadvertent and not  
17 intended to waive those privileges and protections. If a Document or information  
18 containing or reflecting Privileged Information is inadvertently produced by  
19 Defendants, Plaintiff will return the Document or information and not rely on it.  
20 Defendants expressly reserve the right to object at any stage of this action to the  
21 introduction into evidence of Documents and information prepared by or at the  
22 direction of Defendants’ attorneys, or by its attorneys’ representatives or agents in  
23 anticipation of litigation or for trial, and Documents and information subject to any  
24 other privilege, protection, or immunity available under governing law.

25 3. Defendants object generally to the Requests, including the Definitions  
26 and Instructions set forth therein, to the extent that they seek Documents or  
27 information protected by their privacy rights or the privacy rights of other  
28 defendants in this Action and/or third parties. Any disclosure of such material in

1 response to the Requests is inadvertent and not intended to waive those protections.  
2 Defendants reserve the right to demand that Plaintiff return, destroy, or sequester  
3 any such Documents produced and all copies thereof consistent with the Applicable  
4 Rules.

5 4. Defendants object generally to the Requests, including the Definitions  
6 and Instructions set forth therein, on the grounds that they seek Documents or  
7 information that are not relevant to the subject matter of the Action or to any claims  
8 or defenses at issue in the Action.

9 5. Defendants object generally to the Requests, including the Definitions  
10 and Instructions set forth therein, to the extent that they purport to require  
11 Defendants to produce Documents without any date restriction, or without regard  
12 to the Relevant Period, and therefore seek Documents that are not relevant to any  
13 party's claim or defense or proportional to the needs of the case. Defendants'  
14 counsel is willing to meet and confer with Plaintiff to determine an appropriate time  
15 period for the Requests.

16 6. Defendants object generally to the Requests, including the Definitions  
17 and Instructions set forth therein, to the extent that they seek Documents that are  
18 cumulative or duplicative.

19 7. Defendants object generally to the Requests, including the Definitions  
20 and Instructions set forth therein, to the extent that they are vague, ambiguous, or  
21 fail to describe the requested Documents or information with reasonable  
22 particularity, on the grounds that such failure impermissibly requires Defendants to  
23 speculate as to the Documents Plaintiff seeks.

24 8. Defendants object generally to the Requests, including the Definitions  
25 and Instructions set forth therein, to the extent that they seek "all Documents"  
26 concerning a matter, on the grounds that such Requests are unreasonable, unduly  
27 burdensome, duplicative, cumulative, and seek irrelevant Documents. To the extent  
28 that Documents are produced in response to such Requests, they will be limited to



1 Documents sufficient to show matters that are appropriately discoverable and  
2 proportional to the needs of the Action.

3 9. Defendants object generally to the Requests, including the Definitions  
4 and Instructions set forth therein, to the extent that they purport to require  
5 Defendants to conduct anything beyond a reasonable and diligent search for readily  
6 accessible Documents (including electronic Documents) from readily available  
7 sources (including electronic sources) where responsive Documents reasonably  
8 would be expected to be found, and to the extent that the Requests purport to require  
9 Defendants to exceed their obligations under the Applicable Rules.

10 10. Defendants object generally to the Requests, including the Definitions  
11 and Instructions set forth therein, to the extent that they purport to impose an  
12 obligation to produce any information or Documents that are newly created or  
13 received after the receipt of Requests, because efforts to produce such information  
14 or Documents would be unduly burdensome and require unreasonable expense.

15 11. Defendants object generally to the Requests, including the Definitions  
16 and Instructions set forth therein, to the extent that they purport to require  
17 Defendants to draw subjective or legal conclusions, or are predicated on subjective  
18 or legal conclusions or arguments. Subject to and without waiving any objection,  
19 Defendants state that any response, production of Documents, or provision of  
20 information in response to the Requests is not intended to provide, and shall not  
21 constitute or be construed as providing, an admission concerning any of the terms  
22 used in the Requests.

23 12. Defendants object generally to the Requests, including the Definitions  
24 and Instructions set forth therein, to the extent that the Requests, Definitions, or  
25 Instructions contain inaccurate, incomplete or misleading descriptions of the facts,  
26 persons, relationships, or events underlying the Action. Defendants further object  
27 to the Requests, including the Definitions and Instructions set forth therein, to the  
28 extent that they assume the existence of facts that do not exist or the occurrence of

1 events that did not take place. Any response, production of Documents or provision  
2 of information in response to the Requests is not intended to provide, and shall not  
3 constitute or be construed as providing, an admission that any factual predicates  
4 stated in the Requests are accurate.

5 13. Defendants object generally to the Requests, including the Definitions  
6 and Instructions set forth therein, to the extent that they purport to require  
7 production of Documents within 30 days on the grounds that such request is  
8 unreasonable and unduly burdensome. Defendants will make their productions on  
9 a rolling basis until complete.

10 14. Defendants' agreement to produce the Documents identified below is  
11 subject to the parties' ability to reach agreement on appropriate search terms,  
12 custodians, and a date range to collect potentially responsive Documents.  
13 Defendants will collect Documents for review in accordance with an agreement  
14 between the parties or order of the Court.

15 15. Defendants will produce such Documents or information only in  
16 accordance with the Applicable Rules.

17 16. A response by Defendants that they will produce Documents in  
18 response to a specific Request shall not be interpreted as an affirmation that such  
19 Documents in fact exist or that they are within Defendants' possession, custody, or  
20 control. Such a response is merely intended to reflect that if non-objectionable,  
21 nonprivileged Documents exist, are within Defendants' possession, custody, or  
22 control and are identified pursuant to a search conducted in accordance with search  
23 parameters to be agreed upon by the parties or ordered by the Court, Defendants  
24 will produce them in response to the specific Request.

25 17. Defendants respond to these Requests to the best of their present  
26 knowledge and reserve the right to revise, correct, amend and/or supplement their  
27 objections and responses to the Requests.

28 ///



1 18. Defendants' counsel is available to meet and confer at a mutually  
2 agreeable time regarding the appropriate scope of any Requests to which  
3 Defendants have objected. To the extent the parties reach agreement on any  
4 different or further production in response to such Request, Defendants will  
5 endeavor to conduct a reasonable and proportional search for and produce relevant,  
6 responsive, nonprivileged Documents, if any exist, within a reasonable time  
7 following such agreement.

8 **PLAINTIFF'S LEGAL AND FACTUAL REASONS WHY THE GENERAL AND**  
9 **BOILERPLATE OBJECTIONS TO PLAINTIFF'S REQUEST FOR PRODUCTION OF**  
10 **DOCUMENTS MUST BE OVERRULED**

11 General objections are not permitted in the Central District. Furthermore, a  
12 party responding to a request must *affirmatively* state whether any responsive  
13 materials are being withheld on the basis of that objection. Fed. R. Civ. P.  
14 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
15 withheld on the basis of that objection."). "A proper written response should also  
16 provide sufficient information for the requesting party, and the court, to be satisfied  
17 that the responding party conducted an adequate investigation for responsive  
18 materials." *In re Rivera*, No. CV 16-4676, 2017 WL 5163695, at \*3 (C.D. Cal. Apr.  
19 14, 2017); *Leon v. URL Pharma, Inc.*, 2025 WL 1723148, at \*4 (C.D. Cal. May 16,  
20 2025).

21 Defendants continue to refuse to produce a single declaration explaining the  
22 need for the objections. *Gerawan Farming, Inc. v. Rehrig Pacific Co.*, 2013 WL  
23 398740, \*2 (E.D. Cal. Jan. 31, 2013); *see Marti v. Baires*, 2012 WL 2029720, \*7  
24 (E.D. Cal. June 5, 2012) (reliance on boilerplate objections is an abuse of the  
25 discovery process – especially when a party fails to submit any evidentiary  
26 declarations supporting such objections); *see A. Farber & Partners, Inc. v. Garber*,  
27 234 F.R.D. 186, 188 (C.D. Cal. 2006) (general or boilerplate objections such as  
28 "overly burdensome and harassing" are improper). "The party objecting to

1 discovery as vague or ambiguous has the burden to show such vagueness or  
2 ambiguity.” *Bryant v. Armstrong*, 285 F.R.D. 596, 606 (S.D. Cal. 2012), *quoting*  
3 *Swackhammer v. Sprint Corp.*, 225 F.R.D. 658, 662 (D. Kan. 2004).

4 An entity that withholds discovery materials based on a privilege must  
5 provide sufficient information (i.e., a privilege log) to enable the requesting party  
6 to evaluate the applicability of the privilege or other protection. Fed.R.Civ.P.  
7 26(b)(5); see *Clarke v. American Commerce Nat'l Bank*, 974 F.2d 127, 129 (9th  
8 Cir. 1992). Failure to provide sufficient information may constitute a waiver of the  
9 privilege. See *Eureka Financial Corp. v. Hartford Acc. & Indem. Co.*, 136 F.R.D.  
10 179, 182-83 (E.D. Cal. 1991) (a “blanket objection” to each document on the  
11 ground of attorney-client privilege with no further description is clearly  
12 insufficient); *Peat, Marwick, Mitchell & Co. v. West*, 748 F.2d 540, 542 (10th Cir.  
13 1984) (attorney-client privilege waived when defendant did not make a timely and  
14 sufficient showing that the documents were protected by privilege).

15 The general objections for each set of the requests need to be overruled and  
16 supplemental responses need to have none of the general or boilerplate objections.

17 **DEFENDANTS’ POSITION:**

18 Nothing in the Federal Rules of Civil Procedure, the Central District of  
19 California Local Civil Rules, or Your Honor’s Rules prohibits parties from making  
20 general objections. Further, Plaintiff’s demand for declarations setting forth the  
21 basis for Defendants’ objections is premature and should be denied because  
22 Defendants have not yet produced documents.

23 During the parties’ conferences, Defendants proposed to resolve this dispute  
24 by stating that when they produced documents, they would provide a privilege log  
25 associated with the production and supplement their response and/or provide a  
26 declaration if necessary to specify which documents were withheld and the basis  
27 for withholding such documents. Li Decl. ¶¶ 10, 15.

28 ///

1 Because Defendants have agreed to provide a privilege log and to supplement  
2 their response and/or provide a declaration if necessary to specify the basis for  
3 withholding documents, Plaintiff's dispute over the general objections is premature  
4 and should be denied. *Cf. Thunder Studios*, 2018 WL 5099748, at \*1 (denying  
5 motion to compel where "the producing parties have actually agreed to produce all  
6 responsive documents"); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not  
7 ripe until plaintiffs produced the documents that they "already offered to produce");  
8 *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was  
9 premature when the parties still had 1.5 months until the discovery cut-off);  
10 *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where  
11 deadline to respond had not elapsed).

12 **IV. GENERAL RESPONSE AND GENERAL OBJECTIONS**  
13 **TO INTERROGATORIES**

14 **GENERAL RESPONSE AND OBJECTIONS TO INTERROGATORIES:**

15 **I. GENERAL RESPONSES.**

16 The following General Responses apply to each Interrogatory and are hereby  
17 incorporated by reference into the individual responses to each Interrogatory and  
18 shall have the same force and effect as if fully set forth in the individual response  
19 to each Interrogatory.

20 1. Defendant's responses to the Interrogatories are made to the best of  
21 Defendant's present knowledge, information, and belief. These responses are at all  
22 times subject to such additional or different information that discovery or further  
23 investigation may disclose and, while based on the present state of Defendant's  
24 recollections, are subject to such refreshing of recollection, and such additional  
25 knowledge of facts, as may result from Defendant's further discovery or  
26 investigation.

27 2. Defendant reserves the right to make any use of, or to introduce at any  
28 hearing and at trial, documents responsive to the Interrogatories but discovered

1 subsequent to the date of these responses, including, but not limited to, any  
2 documents obtained in discovery herein.

3 3. The provision of a response to any of these Interrogatories does not  
4 constitute a waiver of any objection regarding the use of said response in these  
5 proceedings. Defendant reserves all objections or other questions as to the  
6 competency, relevance, materiality, privilege, or admissibility as evidence in any  
7 subsequent proceeding or hearing or trial of this or any other action for any purpose  
8 whatsoever of these responses and any document or thing produced in response to  
9 the Interrogatories.

10 4. By disclosing information in response to Plaintiff's Interrogatories  
11 and/or producing documents in response to Plaintiff's Interrogatories, Defendant  
12 does not admit that any definition provided or assertion made by Plaintiff is either  
13 factually correct or legally binding upon Defendant, and such information and/or  
14 documents do not waive any of Defendant's objections.

15 5. Defendant reserves the right to seek relief and a protective order  
16 pursuant to Federal Rule of Civil Procedure 26, notwithstanding any responses  
17 Defendant has provided herein.

18 6. Discovery is ongoing, and Defendant expressly reserves the right to  
19 supplement or amend any response to any Interrogatory.

20 7. Defendant reserves the right to object on any ground at any time to  
21 such other or supplemental interrogatories as Plaintiff may at any time propound  
22 involving or relating to the subject matter of these Interrogatories.

## 23 **II. GENERAL OBJECTIONS.**

24 The General Objections set forth below apply to the Interrogatories  
25 generally. Unless otherwise stated, the General Objections shall have the same  
26 force and effect as if set forth in full in response to each Interrogatory. Any response  
27 to an Interrogatory is made subject to the General Objections.

28 ///

1           1. Defendant objects generally to the Interrogatories to the extent that  
2 they seek to impose burdens or obligations on Defendant that are broader than,  
3 inconsistent with or not authorized under the Federal Rules of Civil Procedure, the  
4 Local Rules of the United States District Court for the Central District of California,  
5 other applicable rules or laws, the Stipulated Protective Order to be entered in this  
6 Action, the discovery protocol to be agreed upon by the parties, or any other order  
7 entered by the Court in or applicable to, this Action (the “Applicable Rules”).  
8 Subject to and without waiving any objections, in responding to these  
9 Interrogatories Defendant will construe the Interrogatories in accordance with the  
10 Applicable Rules.

11           2. Defendant objects generally to the Interrogatories on the grounds that  
12 they seek information protected from discovery by the attorney-client privilege,  
13 work product doctrine, common interest privilege, joint defense privilege, or any  
14 other applicable privilege, protection, exemption, or immunity from discovery  
15 afforded under any applicable statute, rule, regulation, or the common law  
16 (“Privileged Information”). Defendant claims such privileges and protections to the  
17 extent implicated by the Interrogatories and excludes privileged or protected  
18 information from its responses to the Interrogatories. Any disclosure of such  
19 privileged or protected information in response to the Interrogatories is inadvertent  
20 and not intended to waive those privileges and protections. If information  
21 containing or reflecting Privileged Information is inadvertently disclosed by  
22 Defendant, Plaintiff will not rely on it. Defendant expressly reserves the right to  
23 object at any stage of this Action to the introduction into evidence of Privileged  
24 Information.

25           3. Defendant objects generally to the Interrogatories to the extent that  
26 they seek information protected by its privacy rights or the privacy rights of other  
27 defendants in this Action and/or third parties. Any disclosure of such information  
28 in response to the Interrogatories is inadvertent and not intended to waive those

1 protections. Defendant reserves the right to demand that Plaintiff sequester any such  
2 information consistent with the Applicable Rules.

3 4. Defendant objects generally to the Interrogatories on the grounds that  
4 they seek information that is not relevant to the subject matter of the Action or to  
5 any claims or defenses at issue in the Action.

6 5. Defendant objects generally to the Interrogatories on the grounds that  
7 they seek information that is not proportional to the needs of the case.

8 6. Defendant objects generally to the Interrogatories to the extent that  
9 they seek information that is cumulative or duplicative.

10 7. Defendant objects generally to the Interrogatories to the extent that  
11 they are vague, ambiguous, or fail to describe the requested information with  
12 reasonable particularity, on the grounds that such failure impermissibly requires  
13 Defendant to speculate as to the information Plaintiff seeks.

14 8. Defendant objects generally to the Interrogatories to the extent that  
15 they seek “all” information concerning a matter, on the grounds that such Requests  
16 are unreasonable, unduly burdensome, duplicative, cumulative, and seek irrelevant  
17 information. To the extent that information is provided in response to such  
18 Interrogatories, it will be limited to information that is appropriately discoverable  
19 and proportional to the needs of the Action.

20 9. Defendant objects generally to the Interrogatories to the extent that  
21 they purport to impose an obligation to disclose any information that is newly  
22 received after the receipt of the Interrogatories, because efforts to disclose such  
23 information would be unduly burdensome and require unreasonable expense.

24 10. Defendant objects generally to the Interrogatories to the extent that  
25 they purport to require Defendant to draw subjective or legal conclusions or are  
26 predicated on subjective or legal conclusions or arguments. Subject to and without  
27 waiving any objection, Defendant states that any response or provision of  
28 information in response to the Interrogatories is not intended to provide, and shall

1 not constitute or be construed as providing, an admission concerning any of the  
2 terms used in the Interrogatories.

3 11. Defendant objects generally to the Interrogatories to the extent that the  
4 Interrogatories contain inaccurate, incomplete or misleading descriptions of the  
5 facts, persons, relationships, or events underlying the Action. Defendant further  
6 objects to the Interrogatories to the extent that they assume the existence of facts  
7 that do not exist or the occurrence of events that did not take place. Any response  
8 or provision of information in response to the Interrogatories is not intended to  
9 provide, and shall not constitute or be construed as providing, an admission that any  
10 factual predicates stated in the Interrogatories are accurate.

11 12. Defendant will disclose information only in accordance with the  
12 Applicable Rules.

13 13. A response by Defendant that it will disclose information in response  
14 to a specific Interrogatory shall not be interpreted as an affirmation that such  
15 information in fact exists or that it is within Defendant's possession, custody, or  
16 control. Such a response is merely intended to reflect that if responsive information  
17 exists, and is within Defendant's possession, custody, or control, Defendant will  
18 disclose such information in response to the specific Interrogatory in accordance  
19 with the Applicable Rules.

20 14. Defendant responds to these Interrogatories to the best of its present  
21 knowledge and reserves the right to revise, correct, amend and/or supplement its  
22 objections and responses to the Interrogatories.

23 15. Defendant's counsel is available to meet and confer at a mutually  
24 agreeable time regarding the appropriate scope of any Interrogatories to which  
25 Defendant has objected. To the extent the parties reach agreement on any different  
26 or further disclosure in response to such Interrogatory, Defendant will endeavor to  
27 provide responsive information within a reasonable time following such agreement.

28 ///



**PLAINTIFF’S LEGAL AND FACTUAL REASONS WHY THE GENERAL AND  
BOILERPLATE OBJECTIONS TO PLAINTIFF’S INTERROGATORIES MUST BE  
OVERRULED**

General objections are not permitted in the Central District. Furthermore, a party responding to a request must *affirmatively* state whether any responsive materials are being withheld on the basis of that objection. Fed. R. Civ. P. 34(b)(2)(C) (“An objection must state whether any responsive materials are being withheld on the basis of that objection.”). “A proper written response should also provide sufficient information for the requesting party, and the court, to be satisfied that the responding party conducted an adequate investigation for responsive materials.” *In re Rivera*, No. CV 16-4676, 2017 WL 5163695, at \*3 (C.D. Cal. Apr. 14, 2017); *Leon v. URL Pharma, Inc.*, 2025 WL 1723148, at \*4 (C.D. Cal. May 16, 2025).

Defendants continue to refuse to produce a single declaration explaining the need for the objections. *Gerawan Farming, Inc. v. Rehrig Pacific Co.*, 2013 WL 398740, \*2 (E.D. Cal. Jan. 31, 2013); *see Marti v. Baires*, 2012 WL 2029720, \*7 (E.D. Cal. June 5, 2012) (reliance on boilerplate objections is an abuse of the discovery process – especially when a party fails to submit any evidentiary declarations supporting such objections); *see A. Farber & Partners, Inc. v. Garber*, 234 F.R.D. 186, 188 (C.D. Cal. 2006) (general or boilerplate objections such as “overly burdensome and harassing” are improper). “The party objecting to discovery as vague or ambiguous has the burden to show such vagueness or ambiguity.” *Bryant v. Armstrong*, 285 F.R.D. 596, 606 (S.D. Cal. 2012), *quoting Swackhammer v. Sprint Corp.*, 225 F.R.D. 658, 662 (D. Kan. 2004).

An entity that withholds discovery materials based on a privilege must provide sufficient information (i.e., a privilege log) to enable the requesting party to evaluate the applicability of the privilege or other protection. Fed.R.Civ.P. 26(b)(5); *see Clarke v. American Commerce Nat'l Bank*, 974 F.2d 127, 129 (9th



1 Cir. 1992). Failure to provide sufficient information may constitute a waiver of the  
2 privilege. See *Eureka Financial Corp. v. Hartford Acc. & Indem. Co.*, 136 F.R.D.  
3 179, 182-83 (E.D. Cal. 1991) (a “blanket objection” to each document on the  
4 ground of attorney-client privilege with no further description is clearly  
5 insufficient); *Peat, Marwick, Mitchell & Co. v. West*, 748 F.2d 540, 542 (10th Cir.  
6 1984) (attorney-client privilege waived when defendant did not make a timely and  
7 sufficient showing that the documents were protected by privilege).

8 The general objections for each set of the requests need to be overruled and  
9 supplemental responses need to have none of the general or boilerplate objections.

10 **DEFENDANTS’ POSITION:**

11 Nothing in the Federal Rules of Civil Procedure, the Central District of  
12 California Local Civil Rules, or Your Honor’s Rules prohibits parties from making  
13 general objections. Further, Plaintiff’s demand for declarations setting forth the  
14 basis for Defendants’ objections is premature and should be denied because  
15 Defendants have stated that they will supplement their Interrogatory responses as  
16 they obtain additional detail over the course of discovery.

17 During the parties’ conferences, Defendants proposed to resolve this dispute  
18 by stating that they would supplement their response to remove any objections  
19 inapplicable to a particular Interrogatory response and to specify what information  
20 was being withheld, if any, and the basis for withholding such information. Li Decl.  
21 ¶¶ 6, 15.

22 Because Defendants have agreed to supplement their Interrogatory responses  
23 as necessary, Plaintiff’s dispute over the general objections is premature and should  
24 be denied. *Cf. Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to  
25 compel where “the producing parties have actually agreed to produce all responsive  
26 documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until  
27 plaintiffs produced the documents that they “already offered to produce”); *Scanlon*,  
28 2020 WL 7360543, at \*4 (motion to compel document production was premature

1 when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015  
2 WL 1671257, at \*3 (motion to compel was premature where deadline to respond  
3 had not elapsed).

4 **V. INTERROGATORIES**

5 **INTERROGATORY NO. 2:**

6 Please identify each individual and, if known, the address, the email address  
7 and telephone number of every person who was involved with the  
8 inception/development/marketing/sales/information technology for Metacard  
9 and/or Bored Jerky, including a short summary of their role.

10 **RESPONSE TO INTERROGATORY NO. 2:**

11 Defendant incorporates herein the General Objections stated above.  
12 Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly  
13 burdensome, and not proportional to the needs of this case. Defendant further  
14 objects to this Interrogatory as duplicative of Interrogatory No. 1. Defendant further  
15 objects to this Interrogatory to the extent it seeks to require it to disclose information  
16 subject to the attorney-client privilege or work product doctrine.

17 Subject to and without waiving the foregoing objections, Defendant refers to  
18 its response to Interrogatory No. 1 above.

19 **RESPONSE TO INTERROGATORY NO. 1:**

20 Defendant incorporates herein the General Objections stated above.  
21 Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly  
22 burdensome, and not proportional to the needs of this case. Defendant further  
23 objects to this Interrogatory to the extent it seeks to require it to disclose information  
24 subject to the attorney-client privilege or work product doctrine.

25 Subject to and without waiving the foregoing objections, Defendant responds  
26 that the individuals listed below were primarily responsible for the Metacard  
27 program and are likely to have information related to the allegations in the operative  
28 Complaint.

Name	Role	Contact
John Shahidi	President	jhs@fullsend.com
Kyle Forgeard	Owner/CEO	kyle@fullsend.com
Sam Shahidi	COO	sammy@fullsend.com
Drew Hill	Director of Operations	drew@fullsend.com
Roland Shen	Web Development	roland@happydad.com
Alan Ardalan	Accounting	alan@shots.com
Jennifer Jaeger	Operations	jenn@fullsend.com

#### **BRIEF REASONS WHY THE RESPONSE IS DEFECTIVE**

Plaintiff has no idea what witnesses are not being identified based on the fusillade of objections. The request for witnesses is clearly within the scope of discovery. The interrogatory sought the names of all individuals who were involved with Metacard and/or Bored Jerky, and a short summary of their role.

Federal Rule of Civil Procedure 26 provides that a party may obtain discovery “regarding any nonprivileged matter that is relevant to any party's claim or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1). “Information within this scope of discovery need not be admissible in evidence to be discoverable.” *Id.* “Relevancy, for the purposes of discovery, is defined broadly, although it is not without ultimate and necessary boundaries.” *Gonzales v. Google, Inc.*, 234 F.R.D. 674, 679-80 (N.D. Cal. 2006).

Fed.R.Civ.P. 26(a)(1) (requiring production of the name, address, and telephone number of individuals likely to have discoverable information relevant to the disputed facts of a case); Fed.R.Civ.P. 26(b)(1) (“the scope of discovery [includes] ... the identity and location of persons who know of any discoverable matter”); *see also Dixon v. Certainteed Corp.*, 164 F.R.D. 685, 689 (D. Kan. 1996) (requiring disclosure of the addresses and telephone numbers of defendant's employees, and noting that defendant's concern that plaintiff would contact the

1 employees outside of defendant's presence was not “cause to unilaterally disregard  
2 its duties of disclosure under Rule 26(a)”).

3 “Central to the discovery process is the identification of potential  
4 witnesses.” *Puerto v. Sup. Ct.*, 158 Cal.App.4th 1242, 1249 (2008). The *Puerto*  
5 Court succinctly explained the request for the identity of witness as “[t]his is basic  
6 civil discovery.” *Id.* at 1254.

7 There was no declaration supporting Defendant’s boilerplate objections that  
8 this request was overly broad, unduly burdensome or not proportional. Plaintiff is  
9 seeking at least \$23M for fraud. The identity of all of Defendants employees and  
10 agents is not a large burden. This is basic civil discovery. “The disclosure of names,  
11 addresses, and telephone numbers is a common practice in the class action context.”  
12 *Artis*, 276 F.R.D. at 352; *accord Algee v. Nordstrom Inc.*, 2012 WL 1575314, at \*4  
13 (N.D. Cal. May 3, 2012); *Sandres v. Corr. Corp. of Am.*, 2011 WL 475068, at \*4  
14 (E.D. Cal. Feb. 4, 2011) (“[P]roviding residential telephone numbers and addresses  
15 for percipient witnesses is ‘ordinary’ and ‘routine’ and does not constitute a serious  
16 invasion of privacy rights.”)

17 As I explained, this is standard discovery. Defendants do not get to just name  
18 relevant witnesses that they want, but need to identify the people with information  
19 that Plaintiff would like to know about. The parties have a dispute. Defendants need  
20 to waive all responses and provide further responses, without objections. The  
21 addresses and contact information for all non-directors must be provided.

22 **DEFENDANTS’ POSITION:**

23 Defendants’ response identifies individuals primarily responsible for the  
24 Metacard program and are likely to have information related to the allegations in  
25 the Amended Complaint. After Plaintiff took issue with this response, Defendants  
26 stated during multiple conferences with Plaintiff that they would supplement their  
27 response to identify additional individuals if necessary as discovery proceeds.

28 ///

1 Plaintiff cites Federal Rule of Civil Procedure (“FRCP”) 26(a) for the  
2 proposition that a party must disclose the name and contact information of  
3 individuals likely to have discoverable information relevant to the litigation.  
4 Defendants do not dispute this proposition. As Defendants have stated during the  
5 parties’ conferences, Defendants will provide such information in their initial  
6 disclosures as required by FRCP 26(a), but the parties agreed to exchange initial  
7 disclosures after resolution of the motion to dismiss. *See* Li Decl. ¶¶ 10, 16.

8 Because Defendants agreed to supplement their response to this Interrogatory  
9 and fact discovery is at an early stage, and because the parties agreed that initial  
10 disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s  
11 dispute over this Interrogatory is premature and should be denied. *Cf. Thunder*  
12 *Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing  
13 parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*,  
14 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the  
15 documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at  
16 \*4 (motion to compel document production was premature when the parties still  
17 had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3  
18 (motion to compel was premature where deadline to respond had not elapsed).

19 **INTERROGATORY NO. 3:**

20 Please identify each purchaser of a Metacard, NFT and, if known, their  
21 address, the email address and telephone number.

22 **DEFECTIVE RESPONSE INTERROGATORY NO. 3:**

23 Defendant incorporates herein the General Objections stated above.  
24 Defendant objects to this Interrogatory on the grounds that it seeks information  
25 outside of its possession, custody, or control. Defendant further objects to this  
26 Interrogatory as overly broad, unduly burdensome, and not proportional to the  
27 needs of this case. Defendant further objects to this Interrogatory to the extent it  
28 seeks to require it to disclose information subject to the attorney-client privilege or

1 work product doctrine.

2 Subject to and without waiving the foregoing objections, Defendant responds  
3 that it does not have the necessary knowledge or information to identify the identity  
4 of each Metacard purchaser or their contact information. Metacard purchases were  
5 conducted through cryptocurrency wallets.

6 **BRIEF REASONS WHY THE RESPONSE IS DEFECTIVE**

7 Just because Metacard does not know the identity of each purchaser, they  
8 still must provide the information on all other purchasers for which they have  
9 information. Defendants object, then state, since we don't have the identity of 100%  
10 of the purchasers, Plaintiffs get none.

11 Plaintiff is requesting the contact information of the putative class members,  
12 if Defendant has them. If they do not, Plaintiff is requesting the wallet information,  
13 as Plaintiff can use that to contact the putative class members. **Pre-Sale List**

14 If Defendants are aware of certain putative class members (maybe they  
15 showed up at an event, or contacted you), then Plaintiff is entitled to that  
16 information. If Defendants only have the wallet address, that should be provided.  
17 Each wallet address is uniquely identified and linked to an email address and bank  
18 account, ensuring that, like an email address, it is specific to a particular  
19 user. *CipherBlade, LLC v. CipherBlade, LLC*, 2024 WL 69164 (D. Alaska Jan. 5,  
20 2024) (permitting service of summons via NFT and blockchain to digital wallets.).  
21 If it is good for jurisdictional purposes, it is good for Plaintiff.

22 All grounds for objection to an interrogatory must be stated "with  
23 specificity." FRCP 33(b)(4). Where an interrogatory is overbroad, the responding  
24 party should answer whatever part of the question is proper, object to the balance  
25 and provide some meaningful explanation of the basis for the objection. *Mitchell v.*  
26 *National R.R. Passenger Corp.*, 208 FRD 455, 458, fn. 4 (D DC 2002). There was  
27 no specificity or declarations.

28 ///



1 Discovery of putative class members is routinely provided. Generally, the  
2 Ninth Circuit has favored “allowing class contact discovery unless it is apparent  
3 that [p]laintiff cannot maintain the action on behalf of the class. *Goundar v. Redfin*  
4 *Corp.*, 2014 WL 12524649, at \*2 (C.D. Cal. July 21, 2014). Indeed, “the better and  
5 more advisable practice for a District Court to follow is to afford the litigants an  
6 opportunity to present evidence as to whether a class action is  
7 maintainable.” *Vinole*, 571 F.3d at 942 (quoting *Doninger v. Pac. Nw. Bell, Inc.*,  
8 564 F.2d 1304, 1313 (9th Cir. 1977)) (internal quotations omitted). “And, the  
9 necessary antecedent to the presentation of evidence is, in most cases, enough  
10 discovery to obtain the material, especially when the information is within the sole  
11 possession of the defendant.” *Doninger*, 564 F.2d at 1313 (citations omitted); *see*  
12 *also Faraji v. Target Corp.*, 2017 WL 8292781 (C.D. Cal. April 28, 2017).

13 Further, notice has been approved to similar claims. See *DraftKings* (class  
14 settlement for purchasers of NFTs).

15 **DEFENDANTS’ POSITION:**

16 As Defendants set forth in their response to this Request and further  
17 explained during the parties’ conferences, due to the anonymous nature of  
18 cryptocurrency transactions, Defendants are not able to ascertain the names or  
19 contact information of Metacard purchasers but can ascertain the cryptocurrency  
20 wallet addresses corresponding to the January 19, 2022 Metacard sales. Li Decl. ¶  
21 6.

22 In Plaintiff’s September 3 letter requesting a L.R. 37-1 conference, Plaintiff  
23 stated, for the first time, that the information requested in this Interrogatory was  
24 sought for class certification purposes. *Id.* ¶ 11. During the parties’ next conference  
25 on September 9, Defendants stated that they would supplement their response to  
26 Interrogatory No. 3 to provide the cryptocurrency wallet addresses corresponding  
27 to the January 19, 2022 Metacard sales. *Id.* ¶ 12. Defendants told Plaintiff that they  
28 would provide this information by the end of the month, given Plaintiff’s

1 representations that the information was needed for class certification purposes. *Id.*  
2 Defendants subsequently supplemented their response to this Interrogatory on  
3 September 22. *Id.* ¶ 21.

4 Accordingly, Defendants do not believe there is a dispute over this  
5 Interrogatory.

6 **INTERROGATORY NO. 7:**

7 State the total amount of money or cryptocurrency raised from the sale of  
8 Metacard NFTs and provide a detailed breakdown of how those funds were used or  
9 distributed. In your answer, include:(a) the total number of NFTs sold and the revenue  
10 received (in USD or ETH, specifying the conversion if needed), and (b) for each major  
11 category of expenditure or distribution, the amount and purpose.

12 **DEFECTIVE RESPONSE INTERROGATORY NO. 7:**

13 Defendant incorporates herein the General Objections stated above.  
14 Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly  
15 burdensome, and not proportional to the needs of this case. Defendant further  
16 objects to this Interrogatory on the grounds that it seeks sensitive personal  
17 information and violates applicable privacy rights. Defendant further objects to this  
18 Interrogatory to the extent that the requested information is in the public domain  
19 and therefore equally accessible to Plaintiff. Defendant further objects to this  
20 Interrogatory to the extent it seeks to require it to disclose information subject to  
21 the attorney-client privilege or work product doctrine. Subject to and without  
22 waiving the foregoing objections, Defendant responds as follows:

23 On January 19, 2022, ten thousand (10,000) Metacard NFTs were sold at the  
24 price of approximately .75 Ethereum (“ETH”) per Metacard (the “Metacard Sale”).  
25 Defendants raised approximately 7,400 ETH from the sale. Based on the price of  
26 ETH at the time of the Metacard Sale, this converted to approximately \$23 million  
27 (\$23,000,000) U.S. dollars (“USD”).

28 ///



1 Of the funds received from the Metacard Sale, most went to the Nelk  
2 corporate entities (Nelk USA, Inc. and Metacard, LLC), which paid for events and  
3 benefits for Metacard holders. Another portion of the funds went toward  
4 compensating individuals who were involved in the operations and/or marketing of  
5 Metacard. Finally, another portion of the funds went toward other expenses, such  
6 as marketing expenses, server costs, and the domain purchase.

7 **REASONS WHY THE RESPONSE IS DEFECTIVE**

8 Federal Rule of Civil Procedure 26 provides that a party may obtain  
9 discovery “regarding any nonprivileged matter that is relevant to any party's claim  
10 or defense and proportional to the needs of the case.” Fed. R. Civ. P. 26(b)(1).  
11 “Information within this scope of discovery need not be admissible in evidence to  
12 be discoverable.” *Id.* “Relevancy, for the purposes of discovery, is defined broadly,  
13 although it is not without ultimate and necessary boundaries.” *Gonzales v. Google,*  
14 *Inc.*, 234 F.R.D. 674, 679-80 (N.D. Cal. 2006).

15 Plaintiff is not seeking that much information. It should be readily available  
16 and not difficult to allocate. Defendants indicated in their response where the \$23  
17 million went:

18 Of the funds received from the Metacard Sale, most went to the Nelk  
19 corporate entities (Nelk USA, Inc. and Metacard, LLC), which paid  
20 for events and benefits for Metacard holders. Another portion of the  
21 funds went toward compensating individuals who were involved in the  
22 operations and/or marketing of Metacard. Finally, another portion of  
23 the funds went toward other expenses, such as marketing expenses,  
24 server costs, and the domain purchase.

25 It appears there are four areas where the \$23 million went: (1) most went to  
26 corporate entities; (2) for events and benefits for Metacard holders; (3) toward  
27 compensating individuals who were involved in the operations and/or marketing of  
28 Metacard; (4) other expenses, such as marketing expenses, server costs, and the

1 domain purchase.

2 If most went to Nelk corporate entities, which ones, and how much? Also,  
3 where did the rest go?

4 Secondly, what events and benefits for Metacard holders occurred, and  
5 how much?

6 Third, which individual were compensated for “operations and/or marketing”  
7 and how much?

8 Fourth, how much for other expenses, such as marketing expenses, server  
9 costs and the domain purchase.

10 The interrogatory response is intentionally vague and needs a complete  
11 response.

12 **DEFENDANTS’ POSITION:**

13 Defendants provided a response to this Interrogatory and told Plaintiffs  
14 during multiple conferences that they would supplement their response with  
15 additional detail when they are in a position to do so. Li Decl. ¶¶ 6, 16. This is  
16 entirely proper. *See Hason v. L.A. Cnty.*, 2013 WL 12377031, at \*1 (C.D. Cal. July  
17 17, 2013) (“When parties do not have the ability to answer an interrogatory or a  
18 request for production,” the appropriate course is to respond with the information  
19 available and supplement that information when it becomes available.). As  
20 explained above, Plaintiff’s motion to compel a further response at this stage is  
21 premature because there is no operative pleading, class certification has not been  
22 briefed or decided, and the parties have not exchanged initial disclosures or  
23 finalized a protective order.

24 Further, Plaintiff seeks to modify this Interrogatory with additional questions  
25 posed in his L.R. 37-1 correspondence and this Joint Stipulation (e.g., “If most went  
26 to Nelk corporate entities, which ones and how much? Also, where did the rest  
27 go?”). But a party cannot be compelled to answer additional questions that were not  
28 posed in the Interrogatory. *See Page v. Minn. Life Ins. Co.*, 2020 WL 5093087, at

1 \*3 (C.D. Cal. June 26, 2020) (where a modified interrogatory changed the original  
2 interrogatory, the court refused to compel the party to supplement its response);  
3 *Givens v. Cal. Dep't of Corr. & Rehab.*, 2023 WL 6313986, at \*2 (E.D. Cal. Sep.  
4 28, 2023) (“[T]he meet and confer process does not include an ability to revise a  
5 discovery request and then challenge a defendant’s failure to respond to a proposed  
6 revision. . . . If, through the meet and confer process, a party determines that a  
7 different request needed to be propounded, such party is required to propound a  
8 second set of discovery so that it is clear a response is sought to the revised request  
9 . . . .”); *Patton v. Loadholt*, 2020 WL 5095858, at \*4 (E.D. Cal. Aug. 28, 2020)  
10 (clarification of an interrogatory during a meet and confer “falls outside the scope  
11 of the information sought” because “Plaintiff cannot use the meet and confer  
12 process to expand his discovery requests”).

13 Because Defendants agreed to supplement their response to this Interrogatory  
14 and fact discovery is at an early stage, Plaintiff’s dispute over this Interrogatory is  
15 premature and should be denied. *Cf. Thunder Studios*, 2018 WL 5099748, at \*1  
16 (denying motion to compel where “the producing parties have actually agreed to  
17 produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute  
18 was not ripe until plaintiffs produced the documents that they “already offered to  
19 produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document  
20 production was premature when the parties still had 1.5 months until the discovery  
21 cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where  
22 deadline to respond had not elapsed).

23 **INTERROGATORY NO. 8:**

24 Identify all bank accounts, cryptocurrency wallets, or other financial  
25 accounts that held the proceeds from Metacard NFT sales or were used to transact  
26 Metacard-related finances. For each account or wallet, provide the name of the  
27 financial institution or platform (or blockchain address), the name of the account  
28 holder or controller (e.g., Metacard LLC account at Bank X, or Ethereum wallet

1 controlled by John Shahidi), and the persons authorized to access or manage those  
2 funds. In addition, for each such account, indicate the current balance or disposition  
3 of funds if the account was later emptied or closed. (These interrogatory traces  
4 where the money went and who had control over it.)

5 **RESPONSE TO INTERROGATORY NO. 8:**

6 Defendant incorporates herein the General Objections stated above.  
7 Defendant objects to this Interrogatory on the grounds that it is overly broad, unduly  
8 burdensome, and not proportional to the needs of this case. Defendant further  
9 objects to this Interrogatory on the grounds that it seeks sensitive personal  
10 information and violates applicable privacy rights. Defendant further objects to this  
11 Interrogatory to the extent it seeks to require it to disclose information subject to  
12 the attorney-client privilege or work product doctrine. Subject to and without  
13 waiving the foregoing objections, Defendant responds as follows:

14 The ETH from the Metacard Sale was initially received by a contract wallet  
15 controlled by Defendant. The ETH was subsequently distributed into various  
16 cryptocurrency wallets belonging to the Nelk corporate entities (Nelk USA, Inc.  
17 and Metacard, LLC), and to the individuals referenced in the Response to  
18 Interrogatory No. 7 above as compensation for their involvement in the operations  
19 and/or marketing of Metacard. To transact finances relating to Metacard, Defendant  
20 either (1) made payments directly from a cryptocurrency wallet belonging to the  
21 Nelk corporate entities, or (2) transferred ETH from a cryptocurrency wallet  
22 belonging to the Nelk corporate entities to a cryptocurrency exchange such as  
23 Coinbase or Kraken in order to exchange the ETH for USD, and subsequently  
24 transferred the funds in USD to a bank account belonging to Nelk USA, Inc.

25 **BRIEF REASONS WHY THE RESPONSE IS DEFECTIVE**

26 The response is incomplete on purpose. For the same reasons identified  
27 pertaining to interrogatory seven (7), this information is discoverable. Any privilege  
28 is balanced against the need in this case and the protective order.

1 The interrogatory response is intentionally vague and needs a complete  
2 response identifying the financial accounts as requested.

3 **DEFENDANTS' POSITION:**

4 Defendants provided a response to this Interrogatory and told Plaintiffs  
5 during multiple conferences that they would supplement their response with  
6 additional detail when they are in a position to do so. Li Decl. ¶¶ 6, 16. This is  
7 entirely proper. *See Hason v. L.A. Cnty.*, 2013 WL 12377031, at \*1 (C.D. Cal. July  
8 17, 2013) (“When parties do not have the ability to answer an interrogatory or a  
9 request for production,” the appropriate course is to respond with the information  
10 available and supplement that information when it becomes available.). As  
11 explained above, Plaintiff’s motion to compel a further response at this stage is  
12 premature because there is no operative pleading, class certification has not been  
13 briefed or decided, and the parties have not exchanged initial disclosures or  
14 finalized a protective order.

15 Further, Plaintiff seeks to modify this Interrogatory with additional questions  
16 posed in his L.R. 37-1 correspondence and this Joint Stipulation (*e.g.*, “If most went  
17 to Nelk corporate entities, which ones and how much? Also, where did the rest  
18 go?”). But a party cannot be compelled to answer additional questions that were not  
19 posed in the Interrogatory. *See Page v. Minn. Life Ins. Co.*, 2020 WL 5093087, at  
20 \*3 (C.D. Cal. June 26, 2020) (where a modified interrogatory changed the original  
21 interrogatory, the court refused to compel the party to supplement its response);  
22 *Givens v. Cal. Dep’t of Corr. & Rehab.*, 2023 WL 6313986, at \*2 (E.D. Cal. Sep.  
23 28, 2023) (“[T]he meet and confer process does not include an ability to revise a  
24 discovery request and then challenge a defendant’s failure to respond to a proposed  
25 revision. . . . If, through the meet and confer process, a party determines that a  
26 different request needed to be propounded, such party is required to propound a  
27 second set of discovery so that it is clear a response is sought to the revised request  
28 . . . .”); *Patton v. Loadholt*, 2020 WL 5095858, at \*4 (E.D. Cal. Aug. 28, 2020)

1 (clarification of an interrogatory during a meet and confer “falls outside the scope  
2 of the information sought” because “Plaintiff cannot use the meet and confer  
3 process to expand his discovery requests”).

4 Because Defendants agreed to supplement their response to this Interrogatory  
5 and fact discovery is at an early stage, Plaintiff’s dispute over this Interrogatory is  
6 premature and should be denied. *Cf. Thunder Studios*, 2018 WL 5099748, at \*1  
7 (denying motion to compel where “the producing parties have actually agreed to  
8 produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute  
9 was not ripe until plaintiffs produced the documents that they “already offered to  
10 produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document  
11 production was premature when the parties still had 1.5 months until the discovery  
12 cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where  
13 deadline to respond had not elapsed).

14 **VI. REQUESTS FOR PRODUCTION OF DOCUMENTS**

15 **REQUEST NO. 1:**

16 All **DOCUMENTS** including any insurance records, the complete policy  
17 (including any addendums or documents identifying additional insureds, etc.) for  
18 any policy of insurance through which **YOU** were or might be insured in any  
19 manner (for example, primary, pro-rata, or excess liability coverage or medical  
20 expense coverage) for the damages, claims, or actions that have arisen out of this  
21 matter.

22 **RESPONSE TO REQUEST NO. 1:**

23 In addition to their General Objections, Defendants specifically object to  
24 this Request on the grounds that it is overbroad and unduly burdensome because  
25 it seeks “all” Documents relating to the Request. Defendants further object to this  
26 Request to the extent that it seeks documents that are irrelevant or not  
27 proportional to the needs of the case. Defendants further object to this Request  
28 to the extent that it seeks documents or information protected by the attorney-



1 client privilege, work-product doctrine, the common interest privilege, or any  
2 other applicable privilege, protection, or immunity. Defendants further object to  
3 this Request to the extent that it seeks documents outside Defendants'  
4 possession, custody, or control.

5 Subject to and without waiving the foregoing objections, Defendants are  
6 willing to meet and confer with Plaintiff regarding this Request.

7 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

8 Plaintiffs sought insurance documents. These are discoverable. See Fed. R.  
9 Civ. P. 26(a)(1)(A)(iv) (“[a] party must, without awaiting a **discovery** request  
10 provide to the other parties ... for inspection and copying under Rule 34, any  
11 insurance agreement under which an insurance business may be liable to satisfy all  
12 or part of a possible judgment in the action or to indemnify or reimburse for  
13 payments made to satisfy the judgment.”). *See also Johnson v. United States*, 2018  
14 WL 613677688 \*1 (C.D. Cal. July 10, 2018) (Compelling insurance policies of  
15 non-parties - the requested insurance policies and information are relevant and  
16 proportionate subjects that will assist the parties in making informed decisions  
17 concerning their claims and defenses.)

18 Defendants have indicated that there is no insurance but refuse to provide a  
19 response stating so without objections.

20 The objections must be waived and a compliant response provided. In a case  
21 with an underlying claim of \$23M, producing any actual insurance policies is not  
22 unduly burdensome.

23 **DEFENDANTS’ POSITION:**

24 As Plaintiff states above, Defendants responded that there are no insurance  
25 documents responsive to Request No. 1. On September 9, counsel for Defendants  
26 stated that they had conferred with Defendants and determined that there were no  
27 insurance documents responsive to this Request. Li Decl. ¶ 13. Plaintiff has thus  
28 been informed that Defendants are not withholding responsive documents on the

1 basis of the objections set forth in their response to this Request. Accordingly,  
2 Defendants do not believe there is a dispute over Request No. 1.

3 **REQUEST NO. 2:**

4 All **DOCUMENTS** (including, but not limited to, **EMAILS** and **TEXT**  
5 **MESSAGES**) regarding the ownership/structure of **NELK, NELK USA, and**  
6 **METACARD, LLC**, including in by-laws, corporate minutes, shareholder  
7 percentages and filings with the California Secretary of State or any federal (Canada  
8 too), provincial, state or local entity.

9 **RESPONSE TO REQUEST NO. 2:**

10 In addition to their General Objections, Defendants specifically object to this  
11 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
12 “all” Documents relating to the Request. Defendants further object to this Request  
13 to the extent that it seeks documents that are irrelevant or not proportional to the  
14 needs of the case. Defendants further object to this Request to the extent that it seeks  
15 documents or information protected by the attorney-client privilege, work-product  
16 doctrine, the common interest privilege, or any other applicable privilege,  
17 protection, or immunity. Defendants further object to this Request to the extent that  
18 it seeks documents outside Defendants’ possession, custody, or control. Defendants  
19 further object to this Request to the extent that such documents or information are  
20 public and therefore equally available to Plaintiff, or that such documents or  
21 information are duplicative or cumulative of documents or information that have  
22 already been produced to Plaintiff by other sources. Defendants further object to the  
23 term “filings” as vague and ambiguous.

24 Subject to and without waiving the foregoing objections, Defendants will  
25 search for and produce responsive non-privileged Documents within Defendants’  
26 possession, custody, or control sufficient to show the ownership and/or corporate  
27 structure of Nelk, Inc., Nelk USA, Inc., and Metacard, LLC.

28 ///



1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 First, the objections, general and boilerplate, need to be withdrawn. Plaintiffs  
3 need all responsive documents. The documents regarding the ownership structure  
4 of the three corporate defendants is discoverable. “The structure of the corporation  
5 is not too complicated for a corporate deponent to be expected to discuss  
6 knowledgeably.” *UMG Recordings, Inc. v. Global Eagle Entm’t, Inc.*, 2014 WL  
7 12639323 \*3 (C.D. Cal. Dec. 19, 2014). *See also Taylor v. Shippers Transport*  
8 *Express, Inc.*, 2013 WL 12114614 5 (C.D. Cal. Sept. 11, 2013):

9 Corporate structures and flow charts are discovery, and not unduly  
10 burdensome. To the extent it is not clear from [defendant’s]  
11 supplemental response if [defendant] has produced all responsive  
12 documents in its possession, custody, or control—i.e., as described by  
13 plaintiff, “corporate structure flow charts applicable to the class  
14 period”—the Motion to compel a further response is granted. Along  
15 with any responsive documents, [defendant] shall provide plaintiff  
16 with a declaration, signed under penalty of perjury by a corporate  
17 officer or director, which confirms that it has produced all responsive  
18 documents in its possession, custody or control. Additionally, to the  
19 extent [defendant] claims that, having conducted a thorough search, it  
20 has already produced all responsive documents in its possession,  
21 custody or control, it shall provide plaintiff with a declaration to that  
22 effect, signed under penalty of perjury by a corporate officer or  
23 director.

24 The objections must be waived and a compliant response provided and all  
25 responsive documents provided.

26 **DEFENDANTS’ POSITION:**

27 As set forth in their response to this Request, Defendants agreed to search for  
28 and produce responsive non-privileged Documents subject to their general and

1 specific objections. During the parties' conferences, Defendants reiterated this  
2 position and stated that they would negotiate custodians and search parameters with  
3 Plaintiff, and additionally, that they would confer after documents are produced if  
4 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
5 14. Defendants also stated that they would provide a privilege log associated with  
6 the production, and that they would supplement their response if necessary to  
7 specify which documents were withheld and the basis for withholding such  
8 documents. *Id.* ¶ 15.

9 Because Defendants have agreed to produce documents in response to this  
10 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
11 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
12 5099748, at \*1 (denying motion to compel where "the producing parties have  
13 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
14 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
15 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
16 compel document production was premature when the parties still had 1.5 months  
17 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
18 was premature where deadline to respond had not elapsed).

19 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
20 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
21 object to part of a request while responding to the non-objectionable portions.").

22 **REQUEST NO. 3:**

23 All **DOCUMENTS** (including, but not limited to, **EMAILS** and **TEXT**  
24 **MESSAGES**) identifying the roles, responsibilities, and involvement of any  
25 individual in the conception, launch, and operation of the Metacard NFT project.  
26 This includes organizational charts, internal memos, or communications describing  
27 who was in charge of finances, marketing, project development, customer relations,  
28 and other operational aspects.

**RESPONSE TO REQUEST NO. 3:**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents relating to the Request. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants’ possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are public and therefore equally available to Plaintiff, or that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will search for and produce responsive non-privileged Documents within Defendants’ possession, custody, or control sufficient to identify the individuals involved in the conception, launch, and operation of the Metacard project and their respective roles and responsibilities.

**LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

Plaintiff sought all documents identifying the roles, responsibilities, and involvement of any individual in the conception, launch, and operation of the Metacard NFT project. This includes organizational charts, internal memos, or communications describing who was in charge of finances, marketing, project development, customer relations, and other operational aspects. These are discoverable. Who did what for Metacard is basic discovery. There is no declaration saying it is unduly burdensome.

The promised documents have not arrived. Plaintiffs are entitled to

1 enough responsive documents so it is clear who had what roles, responsibilities,  
2 and involvement of any individual in the conception, launch, and operation of  
3 the Metacard NFT project. The objections must be waived and a compliant  
4 response provided and all responsive documents provided. See *Hartsock v.*  
5 *Goodyear Tire & Rubber Co.*, 2014 WL 51237, \*3–4 (D.S.C. Jan.7, 2014)  
6 (finding no error with the magistrate's judge's Order compelling production of  
7 six organizational charts and finding the charts to be necessary for discovering  
8 potential witnesses where defendant failed to show that the request was over  
9 broad and unduly burdensome) (citing *Stambler v. Amazon.com, Inc.*, 2011 WL  
10 10538668, at \*8 (E.D.Tex. May 23, 2011) (finding relevant, and compelling  
11 production of, organizational charts for multiple departments)) and *Cunningham*  
12 *v. Standard Fire Ins. Co.*, 2008 WL 2902621, at \*2 (D.Colo. July 24, 2008)  
13 (permitting discovery of organizational charts beyond just the claims department  
14 at issue)); see also *Impact, LLC v. United Rentals, Inc.*, 2009 WL 413713, \*9  
15 (E.D.Ark. Feb.18, 2009) (granting request for production of current non-  
16 privileged organizational charts); *Clearone Commc'n, Inc. v. Chiang*, 2007 WL  
17 4166137, \*4 (D.Utah. Nov.20, 2007) (granting request for production of  
18 documents sufficient to show the organizational structure of defendant).

19 The objections must be waived and a compliant response provided, and the  
20 responsive documents produced.

21 **DEFENDANTS' POSITION:**

22 As set forth in their response to this Request, Defendants agreed to search for  
23 and produce responsive non-privileged Documents subject to their general and  
24 specific objections. During the parties' conferences, Defendants reiterated this  
25 position and stated that they would negotiate custodians and search parameters with  
26 Plaintiff, and additionally, that they would confer after documents are produced if  
27 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
28 14. Defendants also stated that they would provide a privilege log associated with

1 the production, and that they would supplement their response if necessary to  
2 specify which documents were withheld and the basis for withholding such  
3 documents. *Id.* ¶ 15.

4 Because Defendants have agreed to produce documents in response to this  
5 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
6 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
7 5099748, at \*1 (denying motion to compel where "the producing parties have  
8 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
9 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
10 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
11 compel document production was premature when the parties still had 1.5 months  
12 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
13 was premature where deadline to respond had not elapsed).

14 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
15 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
16 object to part of a request while responding to the non-objectionable portions.").

17 **REQUEST NO. 4:**

18 All agreements or contracts between or among any of the Defendants  
19 (including with third parties and vendors) relating to the Metacard project or the  
20 FullSend Metacard venture. This includes partnership or joint venture agreements,  
21 operating agreements for Metacard LLC, employment or consulting contracts (if  
22 any) for individuals working on the project, and any documents delineating  
23 authority or decision-making structure for the project.

24 **RESPONSE TO REQUEST NO. 4:**

25 In addition to their General Objections, Defendants specifically object to  
26 this Request on the grounds that it is overbroad and unduly burdensome because  
27 it seeks "all" agreements or contracts relating to the Request. Defendants further  
28 object to this Request to the extent that it seeks documents that are irrelevant or

1 not proportional to the needs of the case. Defendants further object to this  
2 Request to the extent that it seeks documents or information protected by the  
3 attorney-client privilege, work-product doctrine, the common interest privilege,  
4 or any other applicable privilege, protection, or immunity. Defendants further  
5 object to this Request to the extent that it seeks documents outside Defendants'  
6 possession, custody, or control. Defendants further object to this Request to the  
7 extent that such documents or information are public and therefore equally  
8 available to Plaintiff, or that such documents or information are duplicative or  
9 cumulative of documents or information that have already been produced to  
10 Plaintiff by other sources. Defendants further object to the phrase "relating to the  
11 Metacard project or the FullSend Metacard venture," as vague and ambiguous.  
12 Subject to and without waiving the foregoing objections, Defendants will search  
13 for and produce non-privileged Documents, if any, responsive to the Request that  
14 are in Defendants' possession, custody, or control, subject to a reasonable, good  
15 faith search pursuant to an agreed-upon protocol.

16 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

17 The contracts related to the Metacard project and venture tells who did what,  
18 how much they were paid. It is an easy production to prepare and highly relevant.

19 **DEFENDANTS' POSITION:**

20 As set forth in their response to this Request, Defendants agreed to search for  
21 and produce responsive non-privileged Documents subject to their general and  
22 specific objections. During the parties' conferences, Defendants reiterated this  
23 position and stated that they would negotiate custodians and search parameters with  
24 Plaintiff, and additionally, that they would confer after documents are produced if  
25 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
26 14. Defendants also stated that they would provide a privilege log associated with  
27 the production, and that they would supplement their response if necessary to  
28 specify which documents were withheld and the basis for withholding such



documents. *Id.* ¶ 15.

Because Defendants have agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where "the producing parties have actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

Defendants' objections need not be waived. *See Forsyth v. City of Buena Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to object to part of a request while responding to the non-objectionable portions.").

**REQUEST NO. 5:**

All **DOCUMENTS** (including, but not limited to, **EMAILS** and **TEXT MESSAGES**) reflecting the initial sale of Metacard NFTs, including records of how many NFTs were sold, the price of each NFT, total funds raised (approximately \$23 million), and identification of the bank accounts or cryptocurrency wallets where the proceeds were deposited. Include transaction records (such as ETH wallet transactions) and any summaries or spreadsheets of sales results.

**RESPONSE TO REQUEST NO. 5:**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks "all" Documents relating to the Request. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request



1 to the extent that it seeks documents or information protected by the attorney-  
2 client privilege, work-product doctrine, the common interest privilege, or any  
3 other applicable privilege, protection, or immunity. Defendants further object to  
4 this Request to the extent that it seeks documents outside Defendants'  
5 possession, custody, or control. Defendants further object to this Request to the  
6 extent that such documents or information are public and therefore equally  
7 available to Plaintiff, or that such documents or information are duplicative or  
8 cumulative of documents or information that have already been produced to  
9 Plaintiff by other sources.

10 Subject to and without waiving the foregoing objections, Defendants will  
11 search for and produce responsive non-privileged Documents within  
12 Defendants' possession, custody, or control sufficient to show how many  
13 Metacard NFTs were sold in the initial sale, the price of each Metacard, the total  
14 funds raised, and the bank accounts or cryptocurrency wallets where the sale  
15 proceeds were deposited.

16 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

17 The objections are improper. There has been no privilege log to date. The  
18 responsive documents promised have not been produced. A full and complete  
19 responses, without objections, and production is necessary.

20 **DEFENDANTS' POSITION:**

21 As set forth in their response to this Request, Defendants agreed to search for  
22 and produce responsive non-privileged Documents subject to their general and  
23 specific objections. During the parties' conferences, Defendants reiterated this  
24 position and stated that they would negotiate custodians and search parameters with  
25 Plaintiff, and additionally, that they would confer after documents are produced if  
26 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
27 14. Defendants also stated that they would provide a privilege log associated with  
28 the production, and that they would supplement their response if necessary to

1 specify which documents were withheld and the basis for withholding such  
2 documents. *Id.* ¶ 15.

3 Because Defendants have agreed to produce documents in response to this  
4 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
5 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
6 5099748, at \*1 (denying motion to compel where "the producing parties have  
7 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
8 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
9 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
10 compel document production was premature when the parties still had 1.5 months  
11 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
12 was premature where deadline to respond had not elapsed).

13 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
14 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
15 object to part of a request while responding to the non-objectionable portions.").

16 **REQUEST NO. 6:**

17 Any and all **DOCUMENTS** showing how the proceeds from the Metacard  
18 NFT sales were used or distributed. This should include bank statements, crypto  
19 wallet transaction logs, accounting ledgers, and records of any **transfers or**  
20 **payments** of those funds – whether to Defendants, to other individuals, or to third-  
21 party vendors. (For example, documents evidencing payments to Kyle Forgeard,  
22 John Shahidi, or any entity controlled by them from the NFT sale proceeds.)

23 **RESPONSE TO REQUEST NO. 6:**

24 In addition to their General Objections, Defendants specifically object to  
25 this Request on the grounds that it is overbroad and unduly burdensome because  
26 it seeks "any and all" Documents relating to the Request. Defendants further  
27 object to this Request to the extent that it seeks documents that are irrelevant or  
28 not proportional to the needs of the case. Defendants further object to this

1 Request to the extent that it seeks documents or information protected by the  
2 attorney-client privilege, work- product doctrine, the common interest privilege,  
3 or any other applicable privilege, protection, or immunity. Defendants further  
4 object to this Request to the extent that it seeks documents outside Defendants'  
5 possession, custody, or control. Defendants further object to this Request to the  
6 extent that such documents or information are public and therefore equally  
7 available to Plaintiff, or that such documents or information are duplicative or  
8 cumulative of documents or information that have already been produced to  
9 Plaintiff by other sources.

10 Subject to and without waiving the foregoing objections, Defendants will  
11 search for and produce non-privileged Documents, if any, responsive to the  
12 Request that are in Defendants' possession, custody, or control, subject to a  
13 reasonable, good faith search pursuant to an agreed-upon protocol.

14 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

15 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
16 spent the Metacard income raised from Plaintiff and the Class. The objections are  
17 improper. There has been no privilege log to date. No responsive documents  
18 promised must have been produced. The response does not tell what requested  
19 documents are being withheld.

20 **DEFENDANTS' POSITION:**

21 As set forth in their response to this Request, Defendants agreed to search for  
22 and produce responsive non-privileged Documents subject to their general and  
23 specific objections. During the parties' conferences, Defendants reiterated this  
24 position and stated that they would negotiate custodians and search parameters with  
25 Plaintiff, and additionally, that they would confer after documents are produced if  
26 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
27 14. Defendants also stated that they would provide a privilege log associated with  
28 the production, and that they would supplement their response if necessary to

1 specify which documents were withheld and the basis for withholding such  
2 documents. *Id.* ¶ 15.

3 Because Defendants have agreed to produce documents in response to this  
4 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
5 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
6 5099748, at \*1 (denying motion to compel where "the producing parties have  
7 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
8 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
9 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
10 compel document production was premature when the parties still had 1.5 months  
11 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
12 was premature where deadline to respond had not elapsed).

13 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
14 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
15 object to part of a request while responding to the non-objectionable portions.").

16 **REQUEST FOR PRODUCTION NO. 7:**

17 All internal or external financial statements, budgets, or financial reports  
18 related to the Metacard project or any Defendant entity involved (e.g. profit-and-  
19 loss statements for Metacard LLC or Nelk USA, Inc., budgets outlining planned  
20 use of NFT revenue, or projections given to any stakeholders). Include any  
21 documents showing planned allocation of funds (such as if certain amounts were  
22 earmarked for events, product development, marketing, etc.).

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 7:**

24 In addition to their General Objections, Defendants specifically object to  
25 this Request on the grounds that it is overbroad and unduly burdensome because  
26 it seeks "all internal or external financial statements, budgets, or financial reports  
27 related to the Metacard project or any Defendant entity involved." Defendants  
28 further object to this Request to the extent that it seeks documents that are

1 irrelevant or not proportional to the needs of the case, including to the extent it  
2 seeks documents relating to “any Defendant entity involved” unrelated to the  
3 Metacard project. Defendants further object to this Request to the extent that it  
4 seeks documents or information protected by the attorney-client privilege, work-  
5 product doctrine, the common interest privilege, or any other applicable  
6 privilege, protection, or immunity. Defendants further object to this Request to  
7 the extent that it seeks documents outside Defendants’ possession, custody, or  
8 control. Defendants further object to this Request to the extent that such  
9 documents or information are public and therefore equally available to Plaintiff,  
10 or that such documents or information are duplicative or cumulative of  
11 documents or information that have already been produced to Plaintiff by other  
12 sources.

13 Subject to and without waiving the foregoing objections, Defendants will  
14 search for and produce non-privileged Documents, if any, responsive to the  
15 Request that are in Defendants’ possession, custody, or control, subject to a  
16 reasonable, good faith search pursuant to an agreed-upon protocol.

17 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

18 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
19 raised and spent the Metacard income raised from Plaintiff and the Class. The  
20 objections are improper.

21 There has been no declaration regarding how this request is unduly  
22 burdensome. “[A]ssertions of a burden without specific estimates of staff hours  
23 needed to comply are typically rejected.” *Thomas v. IEM, Inc.*, 2008 WL 695230,  
24 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
25 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
26 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

27 No declaration has been produced in support of the other general or  
28 boilerplate objections.

1 There has been no privilege log to date. No responsive documents  
2 promised have been produced. The response does not tell what requested  
3 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

4 Any privacy right for a corporation is minimal in California and balanced  
5 against the entry of a Protective Order, must be produced. “While corporations do  
6 have a right to privacy, it is not a constitutional right. The corporate right to privacy  
7 is a lesser right than that held by human beings and is not considered a fundamental  
8 right.” *SCC Acquisitions, Inc. v. Sup. Ct.*, 243 Cal. App. 4th 741, 756 (2015).

9 “Doubts about relevance generally are resolved in favor of permitting  
10 discovery.” *SCC Acquisitions, supra* at 756; *see also Hecht, Solberg, Robinson,*  
11 *Goldberg & Bagley LLP v. Superior Court* (2006) 137 Cal.App.4th 579, 595 (2006)  
12 (assuming the existence of a corporation's right to privacy in its financial  
13 information, but finding that the right is not an absolute bar to discovery of internal  
14 financial records).

15 A further response is necessary, without objections, except attorney client  
16 or work product privileges accompanying a privilege log.

17 **DEFENDANTS’ POSITION:**

18 As set forth in their response to this Request, Defendants agreed to search for  
19 and produce responsive non-privileged Documents subject to their general and  
20 specific objections. During the parties’ conferences, Defendants reiterated this  
21 position and stated that they would negotiate custodians and search parameters with  
22 Plaintiff, and additionally, that they would confer after documents are produced if  
23 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
24 14. Defendants also stated that they would provide a privilege log associated with  
25 the production, and that they would supplement their response if necessary to  
26 specify which documents were withheld and the basis for withholding such  
27 documents. *Id.* ¶ 15.

28 ///



1 Because Defendants have agreed to produce documents in response to this  
2 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
3 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
4 5099748, at \*1 (denying motion to compel where "the producing parties have  
5 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
6 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
7 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
8 compel document production was premature when the parties still had 1.5 months  
9 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
10 was premature where deadline to respond had not elapsed).

11 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
12 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
13 object to part of a request while responding to the non-objectionable portions.").

14 **REQUEST FOR PRODUCTION NO. 8:**

15 All **DOCUMENTS** (including, but not limited to, **EMAILS** and **TEXT**  
16 **MESSAGES**) sufficient to show any **distribution of profits or compensation**  
17 derived from the Metacard project's funds to the Defendants or others. This  
18 includes records of salaries, bonuses, dividends, profit-sharing, draws, or any  
19 other form of payment or benefit that any Defendant (or its officers/principals)  
20 received from the project's revenue.

21 **RESPONSE TO REQUEST FOR PRODUCTION NO. 8:**

22 In addition to their General Objections, Defendants specifically object to  
23 this Request on the grounds that it is overbroad and unduly burdensome  
24 because it seeks "all" Documents relating to the Request. Defendants further  
25 object to this Request to the extent that it seeks documents that are irrelevant or  
26 not proportional to the needs of the case. Defendants further object to this  
27 Request to the extent that it seeks documents or information protected by the  
28 attorney-client privilege, work-product doctrine, the common interest privilege,



1 or any other applicable privilege, protection, or immunity. Defendants further  
2 object to this Request to the extent that it seeks documents outside Defendants'  
3 possession, custody, or control. Defendants further object to this Request to the  
4 extent that such documents or information are public and therefore equally  
5 available to Plaintiff, or that such documents or information are duplicative or  
6 cumulative of documents or information that have already been produced to  
7 Plaintiff by other sources. Defendants further object to the phrase "derived  
8 from the Metacard project's funds," as vague and ambiguous.

9 Subject to and without waiving the foregoing objections, Defendants  
10 will search for and produce responsive non-privileged Documents within  
11 Defendants' possession, custody, or control sufficient to show the distribution  
12 of profits from the Metacard sale to Defendants or others.

13 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

14 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
15 raised and spent the Metacard income raised from Plaintiff and the Class. The  
16 objections are improper.

17 There has been no declaration regarding how this request is unduly  
18 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
19 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
20 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
21 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
22 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

23 No declaration has been produced in support of the other general or  
24 boilerplate objections.

25 There has been no privilege log to date. No responsive documents  
26 promised have been produced. The response does not tell what requested  
27 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

28 ///

1 Any privacy right for a corporation is minimal in California and balanced  
2 against the entry of a Protective Order, must be produced. “While corporations do  
3 have a right to privacy, it is not a constitutional right. The corporate right to  
4 privacy is a lesser right than that held by human beings and is not considered a  
5 fundamental right.” *SCC Acquisitions, Inc. v. Sup. Ct.*, 243 Cal. App. 4th 741, 756  
6 (2015).

7 “Doubts about relevance generally are resolved in favor of permitting  
8 discovery.” *SCC Acquisitions, supra* at 756; *see also Hecht, Solberg, Robinson,*  
9 *Goldberg & Bagley LLP v. Superior Court* (2006) 137 Cal.App.4th 579, 595  
10 (2006) (assuming the existence of a corporation's right to privacy in its financial  
11 information, but finding that the right is not an absolute bar to discovery of  
12 internal financial records).

13 A further response is necessary, without objections, except attorney client  
14 or work product privileges accompanying a privilege log.

15 **DEFENDANTS’ POSITION:**

16 As set forth in their response to this Request, Defendants agreed to search for  
17 and produce responsive non-privileged Documents subject to their general and  
18 specific objections. During the parties’ conferences, Defendants reiterated this  
19 position and stated that they would negotiate custodians and search parameters with  
20 Plaintiff, and additionally, that they would confer after documents are produced if  
21 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
22 14. Defendants also stated that they would provide a privilege log associated with  
23 the production, and that they would supplement their response if necessary to  
24 specify which documents were withheld and the basis for withholding such  
25 documents. *Id.* ¶ 15.

26 Because Defendants have agreed to produce documents in response to this  
27 Request before the fact discovery cut-off in June 2026, Plaintiff’s dispute over this  
28 Request is premature and should be denied. *See Thunder Studios*, 2018 WL

1 5099748, at \*1 (denying motion to compel where “the producing parties have  
2 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
3 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
4 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
5 compel document production was premature when the parties still had 1.5 months  
6 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
7 was premature where deadline to respond had not elapsed).

8 Defendants’ objections need not be waived. *See Forsyth v. City of Buena*  
9 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) (“It is permissible to  
10 object to part of a request while responding to the non-objectionable portions.”).

11 **REQUEST FOR PRODUCTION NO. 9:**

12 Any and all **DOCUMENTS** (including, but not limited to, **EMAILS** and  
13 **TEXT MESSAGES**) related to expenses or investments made to fulfill promised  
14 perks or project features.

15 For example, receipts, invoices, or contracts for expenditures such as event  
16 venue deposits, merchandise produced for NFT holders, development of any  
17 promised software or platform, marketing costs specifically tied to promised  
18 benefits, etc. (This will show whether and how funds were actually reinvested into  
19 the project for the benefit of NFT holders.)

20 **RESPONSE TO REQUEST FOR PRODUCTION NO. 9:**

21 In addition to their General Objections, Defendants specifically object to  
22 this Request on the grounds that it is overbroad and unduly burdensome because it  
23 seeks “any and all” Documents relating to the Request. Defendants further object  
24 to this Request to the extent that it seeks documents that are irrelevant or not  
25 proportional to the needs of the case. Defendants further object to this Request to  
26 the extent that it seeks documents or information protected by the attorney-client  
27 privilege, work-product doctrine, the common interest privilege, or any other  
28 applicable privilege, protection, or immunity. Defendants further object to this

1 Request to the extent that it seeks documents outside Defendants' possession,  
2 custody, or control. Defendants further object to this Request to the extent that  
3 such documents or information are public and therefore equally available to  
4 Plaintiff, or that such documents or information are duplicative or cumulative of  
5 documents or information that have already been produced to Plaintiff by other  
6 sources. Defendants further object to the terms "promised perks or project  
7 features" as vague and ambiguous.

8 Subject to and without waiving the foregoing objections, Defendants will  
9 search for and produce non-privileged Documents, if any, responsive to the  
10 Request that are in Defendants' possession, custody, or control, subject to a  
11 reasonable, good faith search pursuant to an agreed-upon protocol.

12 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

13 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
14 raised and spent the Metacard income raised from Plaintiff and the Class. The  
15 objections are improper.

16 There has been no declaration regarding how this request is unduly  
17 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
18 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
19 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
20 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
21 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

22 No declaration has been produced in support of the other general or  
23 boilerplate objections.

24 There has been no privilege log to date. No responsive documents  
25 promised have been produced. The response does not tell what requested  
26 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

27 Any privacy right for a corporation is minimal in California and balanced  
28 against the entry of a Protective Order, must be produced. "While corporations do

1 have a right to privacy, it is not a constitutional right. The corporate right to  
2 privacy is a lesser right than that held by human beings and is not considered a  
3 fundamental right.” *SCC Acquisitions, Inc. v. Sup. Ct.*, 243 Cal. App. 4th 741, 756  
4 (2015).

5 “Doubts about relevance generally are resolved in favor of permitting  
6 discovery.” *SCC Acquisitions, supra* at 756; *see also Hecht, Solberg, Robinson,*  
7 *Goldberg & Bagley LLP v. Superior Court* (2006) 137 Cal.App.4th 579, 595  
8 (2006) (assuming the existence of a corporation's right to privacy in its financial  
9 information, but finding that the right is not an absolute bar to discovery of  
10 internal financial records).

11 A further response is necessary, without objections, except attorney client  
12 or work product privileges accompanying a privilege log.

13 **DEFENDANTS’ POSITION:**

14 As set forth in their response to this Request, Defendants agreed to search for  
15 and produce responsive non-privileged Documents subject to their general and  
16 specific objections. During the parties’ conferences, Defendants reiterated this  
17 position and stated that they would negotiate custodians and search parameters with  
18 Plaintiff, and additionally, that they would confer after documents are produced if  
19 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
20 14. Defendants also stated that they would provide a privilege log associated with  
21 the production, and that they would supplement their response if necessary to  
22 specify which documents were withheld and the basis for withholding such  
23 documents. *Id.* ¶ 15.

24 Because Defendants have agreed to produce documents in response to this  
25 Request before the fact discovery cut-off in June 2026, Plaintiff’s dispute over this  
26 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
27 5099748, at \*1 (denying motion to compel where “the producing parties have  
28 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL

1 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
2 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
3 compel document production was premature when the parties still had 1.5 months  
4 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
5 was premature where deadline to respond had not elapsed).

6 Defendants’ objections need not be waived. *See Forsyth v. City of Buena*  
7 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) (“It is permissible to  
8 object to part of a request while responding to the non-objectionable portions.”).

9 **REQUEST FOR PRODUCTION NO. 10:**

10 Any and all **DOCUMENTS** showing how any Metacard NFTs or related  
11 benefits were allocated. This includes lists of initial NFT allocations or a ledger of  
12 NFT holdings that identifies any NFTs that were reserved for or later transferred  
13 to any Defendant, as well as communications about reserving NFTs for the team  
14 or friends. (For example, if certain Metacard tokens were kept by the creators or  
15 given away as promotions, those records should be produced.)

16 **RESPONSE TO REQUEST FOR PRODUCTION NO. 10:**

17 In addition to their General Objections, Defendants specifically object to  
18 this Request on the grounds that it is overbroad and unduly burdensome because it  
19 seeks “any and all” Documents relating to the Request. Defendants further object  
20 to this Request to the extent that it seeks documents that are irrelevant or not  
21 proportional to the needs of the case. Defendants further object to this Request to  
22 the extent that it seeks documents or information protected by the attorney-client  
23 privilege, work- product doctrine, the common interest privilege, or any other  
24 applicable privilege, protection, or immunity. Defendants further object to this  
25 Request to the extent that it seeks documents outside Defendants’ possession,  
26 custody, or control. Defendants further object to this Request to the extent that  
27 such documents or information are public and therefore equally available to  
28 Plaintiff, or that such documents or information are duplicative or cumulative of



1 documents or information that have already been produced to Plaintiff by other  
2 sources. Defendants further object to the term “related benefits” as vague and  
3 ambiguous.

4 Subject to and without waiving the foregoing objections, Defendants will  
5 search for and produce responsive non-privileged Documents within Defendants’  
6 possession, custody, or control sufficient to show how the Metacards were  
7 allocated.

8 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

9 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
10 raised and spent the Metacard income raised from Plaintiff and the Class. The  
11 objections are improper.

12 There has been no declaration regarding how this request is unduly  
13 burdensome. “[A]ssertions of a burden without specific estimates of staff hours  
14 needed to comply are typically rejected.” *Thomas v. IEM, Inc.*, 2008 WL 695230,  
15 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
16 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
17 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

18 No declaration has been produced in support of the other general or  
19 boilerplate objections.

20 There has been no privilege log to date. No responsive documents  
21 promised have been produced. The response does not tell what requested  
22 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

23 Any privacy right for a corporation is minimal in California and balanced  
24 against the entry of a Protective Order, must be produced. “While corporations do  
25 have a right to privacy, it is not a constitutional right. The corporate right to  
26 privacy is a lesser right than that held by human beings and is not considered a  
27 fundamental right.” *SCC Acquisitions, Inc. v. Sup. Ct.*, 243 Cal. App. 4th 741, 756  
28 (2015).



1 “Doubts about relevance generally are resolved in favor of permitting  
2 discovery.” *SCC Acquisitions, supra* at 756; *see also Hecht, Solberg, Robinson,*  
3 *Goldberg & Bagley LLP v. Superior Court* (2006) 137 Cal.App.4th 579, 595  
4 (2006) (assuming the existence of a corporation's right to privacy in its financial  
5 information, but finding that the right is not an absolute bar to discovery of  
6 internal financial records).

7 A further response is necessary, without objections, except attorney client  
8 or work product privileges accompanying a privilege log.

9 **DEFENDANTS’ POSITION:**

10 As set forth in their response to this Request, Defendants agreed to search for  
11 and produce responsive non-privileged Documents subject to their general and  
12 specific objections. During the parties’ conferences, Defendants reiterated this  
13 position and stated that they would negotiate custodians and search parameters with  
14 Plaintiff, and additionally, that they would confer after documents are produced if  
15 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
16 14. Defendants also stated that they would provide a privilege log associated with  
17 the production, and that they would supplement their response if necessary to  
18 specify which documents were withheld and the basis for withholding such  
19 documents. *Id.* ¶ 15.

20 Because Defendants have agreed to produce documents in response to this  
21 Request before the fact discovery cut-off in June 2026, Plaintiff’s dispute over this  
22 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
23 5099748, at \*1 (denying motion to compel where “the producing parties have  
24 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
25 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
26 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
27 compel document production was premature when the parties still had 1.5 months  
28 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel

1 was premature where deadline to respond had not elapsed).

2 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
3 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
4 object to part of a request while responding to the non-objectionable portions.").

5 **REQUEST FOR PRODUCTION NO. 11:**

6 Any and all **DOCUMENTS** of marketing and promotional content relating  
7 to Metacard, including materials disseminated publicly or internally prepared  
8 drafts. This encompasses social media posts (Twitter/X, Instagram, YouTube  
9 community posts), YouTube videos or podcast segments promoting Metacard,  
10 press releases, email newsletters, advertisements, website pages, and any other  
11 promotional documents. Include any content that describes the Metacard NFT, its  
12 features, perks, potential benefits to buyers, or any investment/value propositions.

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 11:**

14 In addition to their General Objections, Defendants specifically object to  
15 this Request on the grounds that it is overbroad and unduly burdensome because it  
16 seeks "any and all" Documents relating to the Request. Defendants further object  
17 to this Request to the extent that it seeks documents that are irrelevant or not  
18 proportional to the needs of the case. Defendants further object to this Request to  
19 the extent that it seeks documents or information protected by the attorney-client  
20 privilege, work- product doctrine, the common interest privilege, or any other  
21 applicable privilege, protection, or immunity. Defendants further object to this  
22 Request to the extent that it seeks documents outside Defendants' possession,  
23 custody, or control. Defendants further object to this Request to the extent that  
24 such documents or information are public and therefore equally available to  
25 Plaintiff, or that such documents or information are duplicative or cumulative of  
26 documents or information that have already been produced to Plaintiff by other  
27 sources.

28 ///

1 Subject to and without waiving the foregoing objections, Defendants will  
2 search for and produce non-privileged Documents, if any, responsive to the  
3 Request that are in Defendants' possession, custody, or control, subject to a  
4 reasonable, good faith search pursuant to an agreed-upon protocol.

5 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

6 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
7 marketed the Metacard. The objections are improper.

8 There has been no declaration regarding how this request is unduly  
9 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
10 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
11 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
12 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
13 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

14 No declaration has been produced in support of the other general or  
15 boilerplate objections.

16 There has been no privilege log to date. No responsive documents  
17 promised have been produced. The response does not tell what requested  
18 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

19 A further response is necessary, without objections, except attorney client  
20 or work product privileges accompanying a privilege log.

21 **DEFENDANTS' POSITION:**

22 As set forth in their response to this Request, Defendants agreed to search for  
23 and produce responsive non-privileged Documents subject to their general and  
24 specific objections. During the parties' conferences, Defendants reiterated this  
25 position and stated that they would negotiate custodians and search parameters with  
26 Plaintiff, and additionally, that they would confer after documents are produced if  
27 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
28 14. Defendants also stated that they would provide a privilege log associated with

1 the production, and that they would supplement their response if necessary to  
2 specify which documents were withheld and the basis for withholding such  
3 documents. *Id.* ¶ 15.

4 Because Defendants have agreed to produce documents in response to this  
5 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
6 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
7 5099748, at \*1 (denying motion to compel where "the producing parties have  
8 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
9 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
10 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
11 compel document production was premature when the parties still had 1.5 months  
12 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
13 was premature where deadline to respond had not elapsed).

14 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
15 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
16 object to part of a request while responding to the non-objectionable portions.").

17 **REQUEST FOR PRODUCTION NO. 12:**

18 Any and all **DOCUMENTS** (including, but not limited to, **EMAILS** and  
19 **TEXT MESSAGES**) the **marketing strategy or plans** for Metacard. This  
20 includes internal presentations, strategy decks, calendars, or schedules for  
21 promotional campaigns, as well as communications among Defendants or with  
22 marketing teams about how to pitch Metacard to the public. (For example,  
23 discussions on key selling points, target audiences, timing of announcements, and  
24 any "hype" strategy.)

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 12:**

26 In addition to their General Objections, Defendants specifically object to  
27 this Request on the grounds that it is overbroad and unduly burdensome because it  
28 seeks "any and all" Documents relating to the Request. Defendants further object

1 to this Request to the extent that it seeks documents that are irrelevant or not  
2 proportional to the needs of the case. Defendants further object to this Request to  
3 the extent that it seeks documents or information protected by the attorney-client  
4 privilege, work- product doctrine, the common interest privilege, or any other  
5 applicable privilege, protection, or immunity. Defendants further object to this  
6 Request to the extent that it seeks documents outside Defendants' possession,  
7 custody, or control. Defendants further object to this Request to the extent that  
8 such documents or information are public and therefore equally available to  
9 Plaintiff, or that such documents or information are duplicative or cumulative of  
10 documents or information that have already been produced to Plaintiff by other  
11 sources. Defendants further object to the term "plans" as vague and ambiguous.

12 Subject to and without waiving the foregoing objections, Defendants will  
13 search for and produce non-privileged Documents, if any, responsive to the  
14 Request that are in Defendants' possession, custody, or control, subject to a  
15 reasonable, good faith search pursuant to an agreed-upon protocol.

16 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

17 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
18 marketed the Metacard. The objections are improper.

19 There has been no declaration regarding how this request is unduly  
20 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
21 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
22 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
23 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
24 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

25 No declaration has been produced in support of the other general or  
26 boilerplate objections.

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1 There has been no privilege log to date. No responsive documents  
2 promised have been produced. The response does not tell what requested  
3 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

4 A further response is necessary, without objections, except attorney client  
5 or work product privileges accompanying a privilege log.

6 **DEFENDANTS' POSITION:**

7 As set forth in their response to this Request, Defendants agreed to search for  
8 and produce responsive non-privileged Documents subject to their general and  
9 specific objections. During the parties' conferences, Defendants reiterated this  
10 position and stated that they would negotiate custodians and search parameters with  
11 Plaintiff, and additionally, that they would confer after documents are produced if  
12 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
13 14. Defendants also stated that they would provide a privilege log associated with  
14 the production, and that they would supplement their response if necessary to  
15 specify which documents were withheld and the basis for withholding such  
16 documents. *Id.* ¶ 15.

17 Because Defendants have agreed to produce documents in response to this  
18 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
19 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
20 5099748, at \*1 (denying motion to compel where "the producing parties have  
21 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
22 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
23 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
24 compel document production was premature when the parties still had 1.5 months  
25 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
26 was premature where deadline to respond had not elapsed).

27 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
28 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to



1 object to part of a request while responding to the non-objectionable portions.”).

2 **REQUEST FOR PRODUCTION NO. 13:**

3 Any and all **DOCUMENTS** (including, but not limited to, **EMAILS** and  
4 **TEXT MESSAGES**) and communications between any Defendant (or their  
5 agents) and **third-party promoters or influencers** regarding Metacard. This  
6 includes communications with marketing agencies, public relations firms, online  
7 promoters, or individuals such as celebrities/influencers (e.g. any outreach to  
8 Snoop Dogg or his team regarding promotion or events, collaborations with other  
9 brands, etc.). Include any contracts or agreements for promotion and any  
10 instructions or materials provided to these promoters about what to say or  
11 emphasize.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 13:**

13 In addition to their General Objections, Defendants specifically object to  
14 this Request on the grounds that it is overbroad and unduly burdensome because it  
15 seeks “any and all” Documents relating to the Request. Defendants further object  
16 to this Request to the extent that it seeks documents that are irrelevant or not  
17 proportional to the needs of the case. Defendants further object to this Request to  
18 the extent that it seeks documents or information protected by the attorney-client  
19 privilege, work- product doctrine, the common interest privilege, or any other  
20 applicable privilege, protection, or immunity. Defendants further object to this  
21 Request to the extent that it seeks documents outside Defendants’ possession,  
22 custody, or control. Defendants further object to this Request to the extent that  
23 such documents or information are public and therefore equally available to  
24 Plaintiff, or that such documents or information are duplicative or cumulative of  
25 documents or information that have already been produced to Plaintiff by other  
26 sources.

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1 Subject to and without waiving the foregoing objections, Defendants will  
2 search for and produce non-privileged Documents, if any, responsive to the  
3 Request that are in Defendants' possession, custody, or control, subject to a  
4 reasonable, good faith search pursuant to an agreed-upon protocol.

5 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

6 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
7 marketed the Metacard. The objections are improper.

8 There has been no declaration regarding how this request is unduly  
9 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
10 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
11 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
12 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
13 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

14 No declaration has been produced in support of the other general or  
15 boilerplate objections.

16 There has been no privilege log to date. No responsive documents  
17 promised have been produced. The response does not tell what requested  
18 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

19 A further response is necessary, without objections, except attorney client  
20 or work product privileges accompanying a privilege log.

21 **DEFENDANTS' POSITION:**

22 As set forth in their response to this Request, Defendants agreed to search for  
23 and produce responsive non-privileged Documents subject to their general and  
24 specific objections. During the parties' conferences, Defendants reiterated this  
25 position and stated that they would negotiate custodians and search parameters with  
26 Plaintiff, and additionally, that they would confer after documents are produced if  
27 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
28 14. Defendants also stated that they would provide a privilege log associated with

1 the production, and that they would supplement their response if necessary to  
2 specify which documents were withheld and the basis for withholding such  
3 documents. *Id.* ¶ 15.

4 Because Defendants have agreed to produce documents in response to this  
5 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
6 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
7 5099748, at \*1 (denying motion to compel where "the producing parties have  
8 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
9 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
10 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
11 compel document production was premature when the parties still had 1.5 months  
12 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
13 was premature where deadline to respond had not elapsed).

14 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
15 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
16 object to part of a request while responding to the non-objectionable portions.").

17 **REQUEST FOR PRODUCTION NO. 14:**

18 Any versions of any "roadmap," white paper, FAQ, or similar informational  
19 documentation that was created for the Metacard project. This includes drafts and  
20 final versions of documents outlining what buyers would get by purchasing a  
21 Metacard, planned phases of the project, future ventures tied to the NFT, or any  
22 official list of promised features/perks.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 14:**

24 In addition to their General Objections, Defendants specifically object to  
25 this Request on the grounds that it is overbroad and unduly burdensome because it  
26 seeks "any versions of any 'roadmap,' white paper, FAQ, or similar informational  
27 documentation that was created for the Metacard project." Defendants further  
28 object to this Request to the extent that it seeks documents that are irrelevant or

1 not proportional to the needs of the case. Defendants further object to this Request  
2 to the extent that it seeks documents or information protected by the attorney-  
3 client privilege, work-product doctrine, the common interest privilege, or any  
4 other applicable privilege, protection, or immunity. Defendants further object to  
5 this Request to the extent that it seeks documents outside Defendants' possession,  
6 custody, or control. Defendants further object to this Request to the extent that  
7 such documents or information are public and therefore equally available to  
8 Plaintiff, or that such documents or information are duplicative or cumulative of  
9 documents or information that have already been produced to Plaintiff by other  
10 sources.

11 Subject to and without waiving the foregoing objections, Defendants will  
12 search for and produce non-privileged Documents, if any, responsive to the  
13 Request that are in Defendants' possession, custody, or control, subject to a  
14 reasonable, good faith search pursuant to an agreed-upon protocol.

15 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

16 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
17 marketed the Metacard. The objections are improper.

18 There has been no declaration regarding how this request is unduly  
19 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
20 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
21 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
22 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
23 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

24 No declaration has been produced in support of the other general or  
25 boilerplate objections.

26 There has been no privilege log to date. No responsive documents  
27 promised have been produced. The response does not tell what requested  
28 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

1 A further response is necessary, without objections, except attorney client  
2 or work product privileges accompanying a privilege log.

3 **DEFENDANTS' POSITION:**

4 As set forth in their response to this Request, Defendants agreed to search for  
5 and produce responsive non-privileged Documents subject to their general and  
6 specific objections. During the parties' conferences, Defendants reiterated this  
7 position and stated that they would negotiate custodians and search parameters with  
8 Plaintiff, and additionally, that they would confer after documents are produced if  
9 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
10 14. Defendants also stated that they would provide a privilege log associated with  
11 the production, and that they would supplement their response if necessary to  
12 specify which documents were withheld and the basis for withholding such  
13 documents. *Id.* ¶ 15.

14 Because Defendants have agreed to produce documents in response to this  
15 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
16 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
17 5099748, at \*1 (denying motion to compel where "the producing parties have  
18 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
19 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
20 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
21 compel document production was premature when the parties still had 1.5 months  
22 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
23 was premature where deadline to respond had not elapsed).

24 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
25 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
26 object to part of a request while responding to the non-objectionable portions.").

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1 **REQUEST FOR PRODUCTION NO. 15:**

2 Any and all **DOCUMENTS** (including, but not limited to, **EMAILS** and  
3 **TEXT MESSAGES**) that discuss **Metacard as an investment or lucrative**  
4 **opportunity**. This covers any mention of potential financial return, increased  
5 resale value, or statements like “this NFT will be a good investment,” whether  
6 those statements were ultimately used in public marketing or discussed internally.

7 **RESPONSE TO REQUEST FOR PRODUCTION NO. 15:**

8 In addition to their General Objections, Defendants specifically object to  
9 this Request on the grounds that it is overbroad and unduly burdensome because it  
10 seeks “any and all” Documents relating to the Request. Defendants further object  
11 to this Request to the extent that it seeks documents that are irrelevant or not  
12 proportional to the needs of the case. Defendants further object to this Request to  
13 the extent that it seeks documents or information protected by the attorney-client  
14 privilege, work- product doctrine, the common interest privilege, or any other  
15 applicable privilege, protection, or immunity. Defendants further object to this  
16 Request to the extent that it seeks documents outside Defendants’ possession,  
17 custody, or control. Defendants further object to this Request to the extent that  
18 such documents or information are public and therefore equally available to  
19 Plaintiff, or that such documents or information are duplicative or cumulative of  
20 documents or information that have already been produced to Plaintiff by other  
21 sources. Defendants further object to the term “lucrative opportunity” as vague  
22 and ambiguous.

23 Subject to and without waiving the foregoing objections, Defendants will  
24 search for and produce non-privileged Documents, if any, responsive to the  
25 Request that are in Defendants’ possession, custody, or control, subject to a  
26 reasonable, good faith search pursuant to an agreed-upon protocol.

27 ///

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1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
3 marketed the Metacard and discussed it internally. Was it an investment? Where  
4 purchasers being sold simply a good, or an investment. The objections are  
5 improper.

6 There has been no declaration regarding how this request is unduly  
7 burdensome. “[A]ssertions of a burden without specific estimates of staff hours  
8 needed to comply are typically rejected.” *Thomas v. IEM, Inc.*, 2008 WL 695230,  
9 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
10 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
11 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

12 No declaration has been produced in support of the other general or  
13 boilerplate objections.

14 There has been no privilege log to date. No responsive documents  
15 promised have been produced. The response does not tell what requested  
16 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

17 A further response is necessary, without objections, except attorney client  
18 or work product privileges accompanying a privilege log.

19 **DEFENDANTS’ POSITION:**

20 As set forth in their response to this Request, Defendants agreed to search for  
21 and produce responsive non-privileged Documents subject to their general and  
22 specific objections. During the parties’ conferences, Defendants reiterated this  
23 position and stated that they would negotiate custodians and search parameters with  
24 Plaintiff, and additionally, that they would confer after documents are produced if  
25 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
26 14. Defendants also stated that they would provide a privilege log associated with  
27 the production, and that they would supplement their response if necessary to  
28 specify which documents were withheld and the basis for withholding such



documents. *Id.* ¶ 15.

Because Defendants have agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where "the producing parties have actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

Defendants' objections need not be waived. *See Forsyth v. City of Buena Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to object to part of a request while responding to the non-objectionable portions.").

**REQUEST FOR PRODUCTION NO. 16:**

Any and all **DOCUMENTS** (including, but not limited to, **EMAILS** and **TEXT MESSAGES**) regarding planning and development of the Metacard project's promised ventures or utilities. Produce any project plans, product development documents, timelines, or status reports for the initiatives that were supposed to come with the NFT.

For example, documents on planning exclusive events (dates, venues, logistics), developing any members-only platforms or content, organizing the \$250,000 giveaway (rules, structure, intended date), or any business ventures NFT holders were to be involved in (such as plans for a Metacard-holder exclusive business or club).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 16:**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it



1 seeks “any and all” Documents relating to the Request. Defendants further object  
2 to this Request to the extent that it seeks documents that are irrelevant or not  
3 proportional to the needs of the case. Defendants further object to this Request to  
4 the extent that it seeks documents or information protected by the attorney-client  
5 privilege, work- product doctrine, the common interest privilege, or any other  
6 applicable privilege, protection, or immunity. Defendants further object to this  
7 Request to the extent that it seeks documents outside Defendants’ possession,  
8 custody, or control. Defendants further object to this Request to the extent that  
9 such documents or information are public and therefore equally available to  
10 Plaintiff, or that such documents or information are duplicative or cumulative of  
11 documents or information that have already been produced to Plaintiff by other  
12 sources. Defendants further object to the term “promised ventures or utilities” as  
13 vague and ambiguous.

14 Subject to and without waiving the foregoing objections, Defendants will  
15 search for and produce non-privileged Documents, if any, responsive to the  
16 Request that are in Defendants’ possession, custody, or control, subject to a  
17 reasonable, good faith search pursuant to an agreed-upon protocol.

18 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

19 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
20 marketed the Metacard and discussed it internally. Was it an investment? Where  
21 purchasers being sold simply a good, or an investment. The objections are  
22 improper.

23 There has been no declaration regarding how this request is unduly  
24 burdensome. “[A]ssertions of a burden without specific estimates of staff hours  
25 needed to comply are typically rejected.” *Thomas v. IEM, Inc.*, 2008 WL 695230,  
26 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
27 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
28 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

1 No declaration has been produced in support of the other general or  
2 boilerplate objections.

3 There has been no privilege log to date. No responsive documents  
4 promised have been produced. The response does not tell what requested  
5 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

6 A further response is necessary, without objections, except attorney client  
7 or work product privileges accompanying a privilege log.

8 **DEFENDANTS' POSITION:**

9 As set forth in their response to this Request, Defendants agreed to search for  
10 and produce responsive non-privileged Documents subject to their general and  
11 specific objections. During the parties' conferences, Defendants reiterated this  
12 position and stated that they would negotiate custodians and search parameters with  
13 Plaintiff, and additionally, that they would confer after documents are produced if  
14 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
15 14. Defendants also stated that they would provide a privilege log associated with  
16 the production, and that they would supplement their response if necessary to  
17 specify which documents were withheld and the basis for withholding such  
18 documents. *Id.* ¶ 15.

19 Because Defendants have agreed to produce documents in response to this  
20 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
21 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
22 5099748, at \*1 (denying motion to compel where "the producing parties have  
23 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
24 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
25 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
26 compel document production was premature when the parties still had 1.5 months  
27 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
28 was premature where deadline to respond had not elapsed).

1 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
2 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
3 object to part of a request while responding to the non-objectionable portions.").

4 **REQUEST FOR PRODUCTION NO. 17:**

5 Any and all **DOCUMENTS** identifying the team and personnel involved in  
6 executing the Metacard project. This includes lists or directories of individuals  
7 (employees, contractors, advisors) who worked on the project, along with their  
8 roles/responsibilities (e.g., project manager, community manager, developer,  
9 event coordinator).

10 If no formal list exists, any communications or HR documents that shed  
11 light on who was tasked with what aspect (for instance, an email assigning tasks  
12 or discussing hiring for the project).

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 17:**

14 In addition to their General Objections, Defendants specifically object to this  
15 Request as duplicative of Request No. 3. Defendants further object on the grounds  
16 that this Request is overbroad and unduly burdensome because it seeks "any and  
17 all" Documents relating to the Request. Defendants further object to this Request  
18 to the extent that it seeks documents that are irrelevant or not proportional to the  
19 needs of the case. Defendants further object to this Request to the extent that it seeks  
20 documents or information protected by the attorney-client privilege, work-product  
21 doctrine, the common interest privilege, or any other applicable privilege,  
22 protection, or immunity. Defendants further object to this Request to the extent that  
23 it seeks documents outside Defendants' possession, custody, or control. Defendants  
24 further object to this Request to the extent that such documents or information are  
25 public and therefore equally available to Plaintiff, or that such documents or  
26 information are duplicative or cumulative of documents or information that have  
27 already been produced to Plaintiff by other sources. Defendants further object to  
28 the phrase "involved in executing" as vague and ambiguous.

1 Subject to and without waiving the foregoing objections, Defendants will  
2 search for and produce responsive non-privileged Documents within Defendants'  
3 possession, custody, or control sufficient to show the team and personnel  
4 materially involved in executing the Metacard project.

5 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

6 Plaintiff is entitled to seek evidence of who was working on what parts of  
7 the project. This is duplicative in part of request 3.

8 **DEFENDANTS' POSITION:**

9 As set forth in their response to this Request, Defendants agreed to search for  
10 and produce responsive non-privileged Documents subject to their general and  
11 specific objections. During the parties' conferences, Defendants reiterated this  
12 position and stated that they would negotiate custodians and search parameters with  
13 Plaintiff, and additionally, that they would confer after documents are produced if  
14 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
15 14. Defendants also stated that they would provide a privilege log associated with  
16 the production, and that they would supplement their response if necessary to  
17 specify which documents were withheld and the basis for withholding such  
18 documents. *Id.* ¶ 15.

19 Because Defendants have agreed to produce documents in response to this  
20 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
21 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
22 5099748, at \*1 (denying motion to compel where "the producing parties have  
23 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
24 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
25 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
26 compel document production was premature when the parties still had 1.5 months  
27 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
28 was premature where deadline to respond had not elapsed).

1 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
2 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
3 object to part of a request while responding to the non-objectionable portions.").

4 **REQUEST FOR PRODUCTION NO. 18:**

5 Any and all **DOCUMENTS** concerning any third-party partnerships or  
6 collaborations intended to provide benefits to Metacard holders.

7 This includes communications or agreements with external entities for  
8 things like venuepartnerships (for meet-ups/events), merchandise suppliers (for  
9 discounted merch programs), other companiesinvolved in "exclusive  
10 opportunities" for holders (e.g., collaborations like the "Bored Jerky" venture  
11 mentioned as abusiness opportunity for holders). Include any records of what  
12 those partnerships entailed and whether they progressed (for example, a contract  
13 or email exchange with a partner detailing how Metacard holders would get  
14 special access or equity in a venture).

15 **RESPONSE TO REQUEST FOR PRODUCTION NO. 18:**

16 In addition to their General Objections, Defendants specifically object to  
17 this Request on the grounds that it is overbroad and unduly burdensome because it  
18 seeks "any and all" Documents relating to the Request. Defendants further object  
19 to this Request to the extent that it seeks documents that are irrelevant or not  
20 proportional to the needs of the case. Defendants further object to this Request to  
21 the extent that it seeks documents or information protected by the attorney-client  
22 privilege, work- product doctrine, the common interest privilege, or any other  
23 applicable privilege, protection, or immunity. Defendants further object to this  
24 Request to the extent that it seeks documents outside Defendants' possession,  
25 custody, or control. Defendants further object to this Request to the extent that  
26 such documents or information are public and therefore equally available to  
27 Plaintiff, or that such documents or information are duplicative or cumulative of  
28

1 documents or information that have already been produced to Plaintiff by other  
2 sources.

3 Subject to and without waiving the foregoing objections, Defendants will  
4 search for and produce non-privileged Documents, if any, responsive to the  
5 Request that are in Defendants' possession, custody, or control, subject to a  
6 reasonable, good faith search pursuant to an agreed-upon protocol.

7 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

8 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
9 marketed the Metacard and discussed it internally. Was it an investment? Where  
10 purchasers being sold simply a good, or an investment. The objections are  
11 improper.

12 There has been no declaration regarding how this request is unduly  
13 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
14 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
15 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
16 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
17 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

18 No declaration has been produced in support of the other general or  
19 boilerplate objections.

20 There has been no privilege log to date. No responsive documents  
21 promised have been produced. The response does not tell what requested  
22 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

23 A further response is necessary, without objections, except attorney client  
24 or work product privileges accompanying a privilege log.

25 **DEFENDANTS' POSITION:**

26 As set forth in their response to this Request, Defendants agreed to search for  
27 and produce responsive non-privileged Documents subject to their general and  
28 specific objections. During the parties' conferences, Defendants reiterated this



1 position and stated that they would negotiate custodians and search parameters with  
2 Plaintiff, and additionally, that they would confer after documents are produced if  
3 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
4 14. Defendants also stated that they would provide a privilege log associated with  
5 the production, and that they would supplement their response if necessary to  
6 specify which documents were withheld and the basis for withholding such  
7 documents. *Id.* ¶ 15.

8 Because Defendants have agreed to produce documents in response to this  
9 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
10 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
11 5099748, at \*1 (denying motion to compel where "the producing parties have  
12 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
13 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
14 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
15 compel document production was premature when the parties still had 1.5 months  
16 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
17 was premature where deadline to respond had not elapsed).

18 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
19 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
20 object to part of a request while responding to the non-objectionable portions.").

21 **REQUEST FOR PRODUCTION NO. 19:**

22 Any and all **DOCUMENTS** (including, but not limited to, **EMAILS** and  
23 **TEXT MESSAGES**) regarding communications related to the development and  
24 launch of the NFT itself.

25 For example, documents about the minting process, the smart contract used  
26 (and any specific features of it, such as royalty settings or holdbacks), and any  
27 platform or technology set up for Metacard holders (like a private online portal,  
28 Discord server setup details, or a planned "Metacard app"). This will show the



1 operational side of implementing the NFT sale and any infrastructure for  
2 delivering perks (or lack thereof).

3 **RESPONSE TO REQUEST FOR PRODUCTION NO. 19:**

4 In addition to their General Objections, Defendants specifically object to this  
5 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
6 “any and all” Documents relating to the Request. Defendants further object to this  
7 Request to the extent that it seeks documents that are irrelevant or not proportional  
8 to the needs of the case, including to the extent it seeks documents about “the  
9 operational side of implementing the NFT sale,” the “minting process,” and “the  
10 smart contract used.” Defendants further object to this Request to the extent that it  
11 seeks documents or information protected by the attorney-client privilege, work-  
12 product doctrine, the common interest privilege, or any other applicable privilege,  
13 protection, or immunity. Defendants further object to this Request to the extent that  
14 it seeks documents outside Defendants’ possession, custody, or control. Defendants  
15 further object to this Request to the extent that such documents or information are  
16 public and therefore equally available to Plaintiff, or that such documents or  
17 information are duplicative or cumulative of documents or information that have  
18 already been produced to Plaintiff by other sources.

19 Subject to and without waiving the foregoing objections, Defendants will  
20 search for and produce non-privileged Documents, if any, relating to the  
21 development and launch of Metacard are in Defendants’ possession, custody, or  
22 control, subject to a reasonable, good faith search pursuant to an agreed-upon  
23 protocol.

24 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

25 Plaintiff is entitled to seek corroborating evidence for how the Defendants  
26 marketed the Metacard and discussed it internally. Was it an investment? Where  
27 purchasers being sold simply a good, or an investment. The objections are  
28 improper.

1 There has been no declaration regarding how this request is unduly  
2 burdensome. “[A]ssertions of a burden without specific estimates of staff hours  
3 needed to comply are typically rejected.” *Thomas v. IEM, Inc.*, 2008 WL 695230,  
4 at \*3 (M.D. La. Mar. 12, 2008); *see also* *D.L. v. District of Columbia*, 251 F.R.D.  
5 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
6 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

7 No declaration has been produced in support of the other general or  
8 boilerplate objections.

9 There has been no privilege log to date. No responsive documents  
10 promised have been produced. The response does not tell what requested  
11 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

12 A further response is necessary, without objections, except attorney client  
13 or work product privileges accompanying a privilege log.

14 **DEFENDANTS’ POSITION:**

15 As set forth in their response to this Request, Defendants agreed to search for  
16 and produce responsive non-privileged Documents subject to their general and  
17 specific objections. During the parties’ conferences, Defendants reiterated this  
18 position and stated that they would negotiate custodians and search parameters with  
19 Plaintiff, and additionally, that they would confer after documents are produced if  
20 Plaintiff believes there to be any deficiencies with the production. *Li Decl.* ¶¶ 10,  
21 14. Defendants also stated that they would provide a privilege log associated with  
22 the production, and that they would supplement their response if necessary to  
23 specify which documents were withheld and the basis for withholding such  
24 documents. *Id.* ¶ 15.

25 Because Defendants have agreed to produce documents in response to this  
26 Request before the fact discovery cut-off in June 2026, Plaintiff’s dispute over this  
27 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
28 5099748, at \*1 (denying motion to compel where “the producing parties have

1 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
2 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
3 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
4 compel document production was premature when the parties still had 1.5 months  
5 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
6 was premature where deadline to respond had not elapsed).

7 Defendants’ objections need not be waived. *See Forsyth v. City of Buena*  
8 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) (“It is permissible to  
9 object to part of a request while responding to the non-objectionable portions.”).

10 **REQUEST FOR PRODUCTION NO. 20:**

11 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
12 MESSAGES) regarding complaints, inquiries or claims from any Metacard NFT  
13 purchaser or holder regarding the Metacard NFT(s).

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 20:**

15 In addition to their General Objections, Defendants specifically object to this  
16 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
17 “all” Documents relating to the Request. Defendants further object to this Request  
18 to the extent that it seeks documents that are irrelevant or not proportional to the  
19 needs of the case. Defendants further object to this Request to the extent that it seeks  
20 documents or information protected by the attorney-client privilege, work-product  
21 doctrine, the common interest privilege, or any other applicable privilege,  
22 protection, or immunity. Defendants further object to this Request to the extent that  
23 it seeks documents outside Defendants’ possession, custody, or control. Defendants  
24 further object to this Request to the extent that such documents or information are  
25 public and therefore equally available to Plaintiff, or that such documents or  
26 information are duplicative or cumulative of documents or information that have  
27 already been produced to Plaintiff by other sources.

28 ///

1 Subject to and without waiving the foregoing objections, Defendants will  
2 search for and produce non-privileged Documents, if any, responsive to the Request  
3 that are in Defendants' possession, custody, or control, subject to a reasonable, good  
4 faith search pursuant to an agreed-upon protocol.

5 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

6 Other complaints are highly relevant to evidence notice.  
7 Plaintiff is entitled to seek corroborating evidence of other complaints. The  
8 objections are improper.

9 There has been no declaration regarding how this request is unduly  
10 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
11 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
12 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
13 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
14 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

15 No declaration has been produced in support of the other general or  
16 boilerplate objections.

17 There has been no privilege log to date. No responsive documents  
18 promised have been produced. The response does not tell what requested  
19 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

20 A further response is necessary, without objections, except attorney client  
21 or work product privileges accompanying a privilege log.

22 **DEFENDANTS' POSITION:**

23 As set forth in their response to this Request, Defendants agreed to search for  
24 and produce responsive non-privileged Documents subject to their general and  
25 specific objections. During the parties' conferences, Defendants reiterated this  
26 position and stated that they would negotiate custodians and search parameters with  
27 Plaintiff, and additionally, that they would confer after documents are produced if  
28 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,

1 14. Defendants also stated that they would provide a privilege log associated with  
2 the production, and that they would supplement their response if necessary to  
3 specify which documents were withheld and the basis for withholding such  
4 documents. *Id.* ¶ 15.

5 Because Defendants have agreed to produce documents in response to this  
6 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
7 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
8 5099748, at \*1 (denying motion to compel where "the producing parties have  
9 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
10 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
11 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
12 compel document production was premature when the parties still had 1.5 months  
13 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
14 was premature where deadline to respond had not elapsed).

15 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
16 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
17 object to part of a request while responding to the non-objectionable portions.").

18 **REQUEST FOR PRODUCTION NO. 21:**

19 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
20 MESSAGES) of customer complaints, inquiries, or expressions of dissatisfaction  
21 related to Metacard.

22 Provide logs or compilations of complaints (if the Defendants kept track of  
23 issues raised by the community), any internal tracking of refund requests, and any  
24 analyses or reports summarizing customer sentiment or public backlash. If the  
25 Defendants moderated an online community (like a Discord or forum for  
26 Metacard holders), produce any transcripts or chat logs where significant  
27 complaints or issues are discussed (especially anywhere Defendants or their  
28 representatives responded with explanations or promises).

**RESPONSE TO REQUEST FOR PRODUCTION NO. 21:**

In addition to their General Objections, Defendants specifically object to this Request as duplicative of Request No. 20. Defendants further object on the grounds that this Request is overbroad and unduly burdensome because it seeks “all” Documents relating to the Request. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants’ possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are public and therefore equally available to Plaintiff, or that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will search for and produce non-privileged Documents, if any, responsive to the Request that are in Defendants’ possession, custody, or control, subject to a reasonable, good faith search pursuant to an agreed-upon protocol.

**LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

Other complaints are highly relevant to evidence notice. Plaintiff is entitled to seek corroborating evidence of other complaints. The objections are improper.

There has been no declaration regarding how this request is unduly burdensome. “[A]ssertions of a burden without specific estimates of staff hours needed to comply are typically rejected.” *Thomas v. IEM, Inc.*, 2008 WL 695230, at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D. 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003



1 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

2 No declaration has been produced in support of the other general or  
3 boilerplate objections.

4 There has been no privilege log to date. No responsive documents  
5 promised have been produced. The response does not tell what requested  
6 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

7 A further response is necessary, without objections, except attorney client  
8 or work product privileges accompanying a privilege log.

9 **DEFENDANTS' POSITION:**

10 As set forth in their response to this Request, Defendants agreed to search for  
11 and produce responsive non-privileged Documents subject to their general and  
12 specific objections. During the parties' conferences, Defendants reiterated this  
13 position and stated that they would negotiate custodians and search parameters with  
14 Plaintiff, and additionally, that they would confer after documents are produced if  
15 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
16 14. Defendants also stated that they would provide a privilege log associated with  
17 the production, and that they would supplement their response if necessary to  
18 specify which documents were withheld and the basis for withholding such  
19 documents. *Id.* ¶ 15.

20 Because Defendants have agreed to produce documents in response to this  
21 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
22 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
23 5099748, at \*1 (denying motion to compel where "the producing parties have  
24 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
25 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
26 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
27 compel document production was premature when the parties still had 1.5 months  
28 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel



1 was premature where deadline to respond had not elapsed).

2 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
3 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
4 object to part of a request while responding to the non-objectionable portions.").

5 **REQUEST FOR PRODUCTION NO. 22:**

6 All DOCUMENTS related to any refund or buyback program offered to  
7 Metacard holders after the sale. This includes any announcements to holders that a  
8 refund was available, documentation of the refund process (applications or forms  
9 that holders had to fill out), internal communications about setting up the refund  
10 program (discussions of offering "refund plus interest", deadlines for opting in,  
11 etc.), and records of any refunds actually issued (names or wallet addresses of  
12 holders who received a refund, amounts paid, and dates).

13 **RESPONSE TO REQUEST FOR PRODUCTION NO. 22:**

14 In addition to their General Objections, Defendants specifically object to this  
15 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
16 "all" Documents relating to the Request. Defendants further object to this Request  
17 to the extent that it seeks documents that are irrelevant or not proportional to the  
18 needs of the case. Defendants further object to this Request to the extent that it seeks  
19 documents or information protected by the attorney-client privilege, work-product  
20 doctrine, the common interest privilege, or any other applicable privilege,  
21 protection, or immunity. Defendants further object to this Request to the extent that  
22 it seeks documents outside Defendants' possession, custody, or control. Defendants  
23 further object to this Request to the extent that such documents or information are  
24 public and therefore equally available to Plaintiff, or that such documents or  
25 information are duplicative or cumulative of documents or information that have  
26 already been produced to Plaintiff by other sources.

27 Subject to and without waiving the foregoing objections, Defendants will  
28 search for and produce non-privileged Documents, if any, responsive to the Request

1 that are in Defendants' possession, custody, or control, subject to a reasonable, good  
2 faith search pursuant to an agreed-upon protocol.

3 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

4 Documents related to any buyback, which evidences culpability is highly  
5 relevant to evidence notice.

6 Plaintiff is entitled to seek corroborating evidence of other complaints and  
7 any buyback. The objections are improper.

8 There has been no declaration regarding how this request is unduly  
9 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
10 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
11 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
12 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
13 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

14 No declaration has been produced in support of the other general or  
15 boilerplate objections.

16 There has been no privilege log to date. No responsive documents  
17 promised have been produced. The response does not tell what requested  
18 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

19 A further response is necessary, without objections, except attorney client  
20 or work product privileges accompanying a privilege log.

21 **DEFENDANTS' POSITION:**

22 As set forth in their response to this Request, Defendants agreed to search for  
23 and produce responsive non-privileged Documents subject to their general and  
24 specific objections. During the parties' conferences, Defendants reiterated this  
25 position and stated that they would negotiate custodians and search parameters with  
26 Plaintiff, and additionally, that they would confer after documents are produced if  
27 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
28 14. Defendants also stated that they would provide a privilege log associated with

1 the production, and that they would supplement their response if necessary to  
2 specify which documents were withheld and the basis for withholding such  
3 documents. *Id.* ¶ 15.

4 Because Defendants have agreed to produce documents in response to this  
5 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
6 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
7 5099748, at \*1 (denying motion to compel where "the producing parties have  
8 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
9 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
10 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
11 compel document production was premature when the parties still had 1.5 months  
12 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
13 was premature where deadline to respond had not elapsed).

14 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
15 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
16 object to part of a request while responding to the non-objectionable portions.").

17 **REQUEST FOR PRODUCTION NO. 23:**

18 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
19 MESSAGES) reflecting the initial sale of Metacard NFTs, including records of how  
20 many NFTs were sold, the price of each NFT, total funds raised (approximately \$23  
21 million), and identification of the bank accounts or cryptocurrency wallets where  
22 the proceeds were deposited. Include transaction records (such as ETH wallet  
23 transactions) and any summaries or spreadsheets of sales results.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 23:**

25 In addition to their General Objections, Defendants specifically object to this  
26 Request as duplicative of Request No. 5. Defendants further object on the grounds  
27 that this Request is overbroad and unduly burdensome because it seeks "all"  
28 Documents relating to the Request. Defendants further object to this Request to the

1 extent that it seeks documents that are irrelevant or not proportional to the needs of  
2 the case. Defendants further object to this Request to the extent that it seeks  
3 documents or information protected by the attorney-client privilege, work-product  
4 doctrine, the common interest privilege, or any other applicable privilege,  
5 protection, or immunity. Defendants further object to this Request to the extent that  
6 it seeks documents outside Defendants' possession, custody, or control. Defendants  
7 further object to this Request to the extent that such documents or information are  
8 public and therefore equally available to Plaintiff, or that such documents or  
9 information are duplicative or cumulative of documents or information that have  
10 already been produced to Plaintiff by other sources.

11 Subject to and without waiving the foregoing objections, Defendants will  
12 search for and produce responsive non-privileged Documents within Defendants'  
13 possession, custody, or control sufficient to show how many Metacard NFTs were  
14 sold in the initial sale, the price of each Metacard, the total funds raised, and the  
15 bank accounts or cryptocurrency wallets where the sale proceeds were deposited.

16 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

17 This is similar to request number five, and the reasons there stand here.

18 **DEFENDANTS' POSITION:**

19 As set forth in their response to this Request, Defendants agreed to search for  
20 and produce responsive non-privileged Documents subject to their general and  
21 specific objections. During the parties' conferences, Defendants reiterated this  
22 position and stated that they would negotiate custodians and search parameters with  
23 Plaintiff, and additionally, that they would confer after documents are produced if  
24 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
25 14. Defendants also stated that they would provide a privilege log associated with  
26 the production, and that they would supplement their response if necessary to  
27 specify which documents were withheld and the basis for withholding such  
28 documents. *Id.* ¶ 15.

1 Because Defendants have agreed to produce documents in response to this  
2 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
3 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
4 5099748, at \*1 (denying motion to compel where "the producing parties have  
5 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
6 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
7 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
8 compel document production was premature when the parties still had 1.5 months  
9 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
10 was premature where deadline to respond had not elapsed).

11 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
12 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
13 object to part of a request while responding to the non-objectionable portions.").

14 **REQUEST FOR PRODUCTION NO. 24:**

15 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
16 MESSAGES) regarding by laws, corporate minutes or intental authority of  
17 communications with Metacard holders regarding post-sale updates or changes.  
18 For instance, if Defendants sent messages like "We're still working on X feature"  
19 or "Due to unforeseen issues, the promised Y will be delayed," produce those  
20 communications. Also, if any holders responded to such messages with further  
21 questions or threats of legal action and Defendants replied, include those as well.  
22 Essentially, any dialogue between Defendants and customers about the project's  
23 status, promises, or dissatisfaction should be captured.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 24:**

25 In addition to their General Objections, Defendants specifically object to this  
26 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
27 "all" Documents relating to the Request. Defendants further object to this Request  
28 to the extent that it seeks documents that are irrelevant or not proportional to the

1 needs of the case. Defendants further object to this Request to the extent that it seeks  
2 documents or information protected by the attorney-client privilege, work-product  
3 doctrine, the common interest privilege, or any other applicable privilege,  
4 protection, or immunity. Defendants further object to this Request to the extent that  
5 it seeks documents outside Defendants' possession, custody, or control. Defendants  
6 further object to this Request to the extent that such documents or information are  
7 public and therefore equally available to Plaintiff, or that such documents or  
8 information are duplicative or cumulative of documents or information that have  
9 already been produced to Plaintiff by other sources. Defendants further object to  
10 the term "intental authority," as unclear in meaning, vague, and ambiguous, and to  
11 the phrase "post- sale updates or changes," as vague and ambiguous.

12 Subject to and without waiving the foregoing objections, Defendants will  
13 search for and produce non-privileged Documents, if any, reflecting  
14 communications with Metacard holders regarding post-sale updates or changes that  
15 are in Defendants' possession, custody, or control, subject to a reasonable, good  
16 faith search pursuant to an agreed-upon protocol.

17 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

18 Corporate minutes discussing the Metacards are highly relevant. Plaintiff is  
19 entitled to seek corroborating evidence and discussions during corporate meetings  
20 pertaining to the Metacards. The objections are improper.

21 There has been no declaration regarding how this request is unduly  
22 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
23 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
24 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
25 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
26 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

27 No declaration has been produced in support of the other general or  
28 boilerplate objections.



1 There has been no privilege log to date. No responsive documents  
2 promised have been produced. The response does not tell what requested  
3 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

4 A further response is necessary, without objections, except attorney client  
5 or work product privileges accompanying a privilege log.

6 **DEFENDANTS' POSITION:**

7 As set forth in their response to this Request, Defendants agreed to search for  
8 and produce responsive non-privileged Documents subject to their general and  
9 specific objections. During the parties' conferences, Defendants reiterated this  
10 position and stated that they would negotiate custodians and search parameters with  
11 Plaintiff, and additionally, that they would confer after documents are produced if  
12 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
13 14. Defendants also stated that they would provide a privilege log associated with  
14 the production, and that they would supplement their response if necessary to  
15 specify which documents were withheld and the basis for withholding such  
16 documents. *Id.* ¶ 15.

17 Because Defendants have agreed to produce documents in response to this  
18 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
19 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
20 5099748, at \*1 (denying motion to compel where "the producing parties have  
21 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
22 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
23 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
24 compel document production was premature when the parties still had 1.5 months  
25 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
26 was premature where deadline to respond had not elapsed).

27 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
28 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to



1 object to part of a request while responding to the non-objectionable portions.”).

2 **REQUEST FOR PRODUCTION NO. 26:**

3 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
4 MESSAGES) of disclaimers, terms of service, user agreements, or purchase terms  
5 provided to or agreed by Metacard purchasers. This includes the text of any terms  
6 on the website or platform where the NFTs were sold (e.g., a terms and conditions  
7 page or popup), any disclaimer language about what the NFT does or does not  
8 guarantee, and any updates to those terms over time. If the sale platform (like a  
9 website or Open Sea listing) had written descriptions, produce those descriptions  
10 as well, particularly if they contain cautionary language or conditional language  
11 about the perks.

12 **RESPONSE TO REQUEST FOR PRODUCTION NO. 26:**

13 In addition to their General Objections, Defendants specifically object to this  
14 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
15 “all” Documents relating to the Request. Defendants further object to this Request  
16 to the extent that it seeks documents that are irrelevant or not proportional to the  
17 needs of the case. Defendants further object to this Request to the extent that it seeks  
18 documents or information protected by the attorney-client privilege, work-product  
19 doctrine, the common interest privilege, or any other applicable privilege,  
20 protection, or immunity. Defendants further object to this Request to the extent that  
21 it seeks documents outside Defendants’ possession, custody, or control. Defendants  
22 further object to this Request to the extent that such documents or information are  
23 public and therefore equally available to Plaintiff, or that such documents or  
24 information are duplicative or cumulative of documents or information that have  
25 already been produced to Plaintiff by other sources.

26 ///

27 ///

28 ///

1 Subject to and without waiving the foregoing objections, Defendants will  
2 search for and produce responsive non-privileged Documents within Defendants'  
3 possession, custody, or control sufficient to show the disclaimers, terms of service,  
4 user agreements, or purchase terms provided to or agreed by Metacard purchasers.

5 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

6 Defendants are likely to assert defenses that Plaintiff or class members were  
7 warned. Such language, and documents about its inclusion need to be produced.

8 **DEFENDANTS' POSITION:**

9 As set forth in their response to this Request, Defendants agreed to search for  
10 and produce responsive non-privileged Documents subject to their general and  
11 specific objections. During the parties' conferences, Defendants reiterated this  
12 position and stated that they would negotiate custodians and search parameters with  
13 Plaintiff, and additionally, that they would confer after documents are produced if  
14 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
15 14. Defendants also stated that they would provide a privilege log associated with  
16 the production, and that they would supplement their response if necessary to  
17 specify which documents were withheld and the basis for withholding such  
18 documents. *Id.* ¶ 15.

19 Because Defendants have agreed to produce documents in response to this  
20 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
21 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
22 5099748, at \*1 (denying motion to compel where "the producing parties have  
23 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
24 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
25 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
26 compel document production was premature when the parties still had 1.5 months  
27 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
28 was premature where deadline to respond had not elapsed).

1 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
2 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
3 object to part of a request while responding to the non-objectionable portions.").

4 **REQUEST FOR PRODUCTION NO. 27:**

5 Any and all DOCUMENTS (including, but not limited to, EMAILS and  
6 TEXT MESSAGES) related to corporate minutes, resolutions, by laws or operating  
7 agreements pertaining to the authorization to operate the Metacard project.

8 Also, any meeting minutes or resolutions of NELK that reference the Metacard  
9 project (for instance, board meeting minutes approving the NFT launch or  
10 allocating funds).

11 **RESPONSE TO REQUEST FOR PRODUCTION NO. 27:**

12 In addition to their General Objections, Defendants specifically object to this  
13 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
14 "any and all" Documents relating to the Request. Defendants further object to this  
15 Request to the extent that it seeks documents that are irrelevant or not proportional  
16 to the needs of the case. Defendants further object to this Request to the extent that  
17 it seeks documents or information protected by the attorney-client privilege, work-  
18 product doctrine, the common interest privilege, or any other applicable privilege,  
19 protection, or immunity. Defendants further object to this Request to the extent that  
20 it seeks documents outside Defendants' possession, custody, or control. Defendants  
21 further object to this Request to the extent that such documents or information are  
22 public and therefore equally available to Plaintiff, or that such documents or  
23 information are duplicative or cumulative of documents or information that have  
24 already been produced to Plaintiff by other sources. Defendants further object to  
25 the phrase "pertaining to the authorization to operate the Metacard project" as vague  
26 and ambiguous.

27 Subject to and without waiving the foregoing objections, Defendants will  
28 search for and produce non-privileged Documents, if any, responsive to the Request

1 that are in Defendants' possession, custody, or control, subject to a reasonable, good  
2 faith search pursuant to an agreed-upon protocol.

3 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

4 Corporate minutes discussing the Metacards are highly relevant. Plaintiff is  
5 entitled to seek corroborating evidence and discussions during corporate meetings  
6 pertaining to the Metacards. The objections are improper.

7 There has been no declaration regarding how this request is unduly  
8 burdensome. "[A]ssertions of a burden without specific estimates of staff hours  
9 needed to comply are typically rejected." *Thomas v. IEM, Inc.*, 2008 WL 695230,  
10 at \*3 (M.D. La. Mar. 12, 2008); *see also* D.L. v. District of Columbia, 251 F.R.D.  
11 38, 46 (D.D.C. 2008); *Gabe Staino Motors, Inc. v. Volkswagen of America*, 2003  
12 WL 25666135, at \*2 (E.D. Pa. Feb. 28, 2003).

13 No declaration has been produced in support of the other general or  
14 boilerplate objections.

15 There has been no privilege log to date. No responsive documents  
16 promised have been produced. The response does not tell what requested  
17 documents are being withheld pursuant to Fed. R. Civ. P. 34(b)(2)(C).

18 A further response is necessary, without objections, except attorney client  
19 or work product privileges accompanying a privilege log.

20 **DEFENDANTS' POSITION:**

21 As set forth in their response to this Request, Defendants agreed to search for  
22 and produce responsive non-privileged Documents subject to their general and  
23 specific objections. During the parties' conferences, Defendants reiterated this  
24 position and stated that they would negotiate custodians and search parameters with  
25 Plaintiff, and additionally, that they would confer after documents are produced if  
26 Plaintiff believes there to be any deficiencies with the production. Li Decl. ¶¶ 10,  
27 14. Defendants also stated that they would provide a privilege log associated with  
28 the production, and that they would supplement their response if necessary to

1 specify which documents were withheld and the basis for withholding such  
2 documents. *Id.* ¶ 15.

3 Because Defendants have agreed to produce documents in response to this  
4 Request before the fact discovery cut-off in June 2026, Plaintiff's dispute over this  
5 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
6 5099748, at \*1 (denying motion to compel where "the producing parties have  
7 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
8 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
9 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
10 compel document production was premature when the parties still had 1.5 months  
11 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
12 was premature where deadline to respond had not elapsed).

13 Defendants' objections need not be waived. *See Forsyth v. City of Buena*  
14 *Park*, 2015 WL 13757344, at \*5 (C.D. Cal. Sept. 17, 2015) ("It is permissible to  
15 object to part of a request while responding to the non-objectionable portions.").

16 **REQUEST FOR PRODUCTION NO. 28:**

17 Any and all DOCUMENTS with or submissions to regulatory authorities  
18 regarding the Metacard NFT project. This includes any inquiries received from  
19 agencies (SEC, state Attorney General, FTC, etc.) and the responses, or any  
20 proactive filings/notifications the Defendants made (if any). If none exist, that fact  
21 will be apparent, but if Defendants were contacted by regulators or sought to  
22 register any aspect (like filing something for a sweepstakes permit for the giveaway  
23 or a securities exemption), those documents should be produced.

24 **RESPONSE TO REQUEST FOR PRODUCTION NO. 28:**

25 In addition to their General Objections, Defendants specifically object to this  
26 Request on the grounds that it seeks documents that are irrelevant or not  
27 proportional to the needs of the case. Defendants further object to this Request  
28 because it seeks documents or information protected by the attorney-client

1 privilege, work-product doctrine, the common interest privilege, or any other  
2 applicable privilege, protection, or immunity. Defendants further object to this  
3 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
4 “any and all” Documents relating to the Request. Defendants further object to this  
5 Request to the extent that it seeks documents outside Defendants’ possession,  
6 custody, or control. Defendants further object to this Request to the extent that such  
7 documents or information are public and therefore equally available to Plaintiff, or  
8 that such documents or information are duplicative or cumulative of documents or  
9 information that have already been produced to Plaintiff by other sources.  
10 Defendants further object to the statement “If none exist, that fact will be apparent,”  
11 as Plaintiff’s representation, and Defendants’ response to this Request should not  
12 be construed as agreement with Plaintiff’s representation.

13 Subject to and without waiving the foregoing objections, Defendants state  
14 that there are no Documents responsive to this Request.

15 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

16 If no responsive documents exist, then simply state that and why (they never  
17 exists, destroyed, etc.) The response does not tell what requested documents are  
18 being withheld and not identified behind the objections pursuant to Fed. R. Civ. P.  
19 34(b)(2)(C).

20 **DEFENDANTS’ POSITION:**

21 As set forth in Defendants’ response to this Request, there are no documents  
22 responsive to this Request. Defendants are not withholding responsive documents  
23 on the basis of the objections set forth in their response to this Request.  
24 Accordingly, Defendants do not believe there is a dispute over Request No. 28.

25 **REQUEST FOR PRODUCTION NO. 29 (INCORRECTLY NUMBERED AS REQUEST NO.**  
26 **28):**

27 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
28 MESSAGES) sent to, or received by John Shahidi regarding the Metacard NFT



1 Project and/or Bored Jerky. This includes emails, text messages, internal chat logs  
2 (e.g., Slack or Discord servers used by the team), or memoranda from the project's  
3 inception through post-sale.

4 **RESPONSE TO REQUEST FOR PRODUCTION NO. 29 (INCORRECTLY NUMBERED**  
5 **AS REQUEST NO. 28):**

6 In addition to their General Objections, Defendants specifically object to this  
7 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
8 "all" Documents "sent to, or received by[,] John Shahidi regarding the Metacard  
9 NFT Project and/or Bored Jerky." Defendants further object to this Request on the  
10 basis that it fails to identify the requested documents with reasonable particularity.  
11 Defendants further object to this Request to the extent that it seeks documents that  
12 are irrelevant or not proportional to the needs of the case. Defendants further object  
13 to this Request to the extent that it seeks documents or information protected by the  
14 attorney-client privilege, work-product doctrine, the common interest privilege, or  
15 any other applicable privilege, protection, or immunity. Defendants further object  
16 to this Request to the extent that it seeks documents outside Defendants' possession,  
17 custody, or control. Defendants further object to this Request to the extent that such  
18 documents or information are duplicative or cumulative of documents or  
19 information that have already been produced to Plaintiff by other sources.

20 Subject to and without waiving the foregoing objections, Defendants will  
21 produce any Documents sent to, or received by, John Shahidi to the extent such  
22 Documents are within the scope of Defendants agreed-upon production in response  
23 to the other Requests.

24 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

25 Mr. Shahidi is a named defendant and director/executive with the corporate  
26 Defendants. The request seeks any documents sent by or sent to Mr. Shahidi related  
27 to the Metacard NFT or Bored Jerky project. The Bored Jerky project was offered  
28 as an out to Metacard purchasers three years later.



1           These areas of inquiry are discoverable in this case. There was no declaration  
2 regarding how unduly burdensome or difficult this would be, just a vague promise  
3 to subsequently produce a document sent to or received by Mr. Shahidi in response  
4 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
5 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
6 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
7 to know if any documents are being withheld or not identified based on the  
8 objections or the responses.

9           Defendants need to provide a response that all documents, except privileged  
10 documents, are being produced, along with a privilege log.

11 **DEFENDANTS’ POSITION:**

12           Plaintiff’s Request for all documents with potential relevance to the subject  
13 matter of this litigation from Mr. Shahidi is overly broad and unduly burdensome.  
14 *See Rojas v. Bosch Solar Energy Corp.*, 2020 WL 8617414, at \*2 (N.D. Cal. Aug.  
15 28, 2020) (sweeping requests for “all documents” and “all communications”  
16 relating to a variety of topics do not describe with “reasonable particularity” what  
17 categories of documents should be produced). Plaintiff’s Request improperly  
18 attempts to circumvent the accepted discovery process of negotiating search  
19 parameters to identify documents responsive to specific Requests.

20           During the parties’ conferences, Defendants proposed that this issue could  
21 be resolved because, as set forth in Defendants’ response to this Request,  
22 Defendants will produce any responsive documents within the scope of production  
23 in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated that they  
24 would provide a privilege log associated with the production if any documents were  
25 withheld on the basis of privilege. *Id.* ¶ 15. Because Defendants agreed to produce  
26 documents responsive to this Request before the fact discovery cut-off in June  
27 2026, Plaintiff’s dispute over this Request is premature and should be denied. *See*  
28 *Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the

1 producing parties have actually agreed to produce all responsive documents”);  
2 *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced  
3 the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543,  
4 at \*4 (motion to compel document production was premature when the parties still  
5 had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3  
6 (motion to compel was premature where deadline to respond had not elapsed).

7 **REQUEST FOR PRODUCTION NO. 30 (INCORRECTLY NUMBERED AS REQUEST NO.**  
8 **29):**

9 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
10 MESSAGES) sent to, or received by Kyle Forgeard regarding the Metacard NFT  
11 Project and/or Bored Jerky. This includes emails, text messages, internal chat logs  
12 (e.g., Slack or Discord servers used by the team), or memoranda from the project’s  
13 inception through post- sale.

14 **RESPONSE TO REQUEST FOR PRODUCTION NO. 30 (INCORRECTLY NUMBERED AS**  
15 **REQUEST NO. 29):**

16 In addition to their General Objections, Defendants specifically object to this  
17 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
18 “all” Documents “sent to, or received by[,] Kyle Forgeard regarding the Metacard  
19 NFT Project and/or Bored Jerky.” Defendants further object to this Request on the  
20 basis that it fails to identify the requested documents with reasonable particularity.  
21 Defendants further object to this Request to the extent that it seeks documents that  
22 are irrelevant or not proportional to the needs of the case. Defendants further object  
23 to this Request to the extent that it seeks documents or information protected by the  
24 attorney-client privilege, work-product doctrine, the common interest privilege, or  
25 any other applicable privilege, protection, or immunity. Defendants further object  
26 to this Request to the extent that it seeks documents outside Defendants’ possession,  
27 custody, or control. Defendants further object to this Request to the extent that such  
28

1 documents or information are duplicative or cumulative of documents or  
2 information that have already been produced to Plaintiff by other sources.

3 Subject to and without waiving the foregoing objections, Defendants will  
4 produce any Documents sent to, or received by, Kyle Forgeard to the extent such  
5 Documents are within the scope of Defendants' agreed-upon production in response  
6 to the other Requests.

7 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

8 Mr. Forgeard is a named defendant and director/executive with the corporate  
9 Defendants. The request seeks any documents sent by, or sent to Mr. Forgeard  
10 related to the Metacard NFT or Bored Jerky project. The Bored Jerky project was  
11 offered as an out to Metacard purchasers three years later.

12 These areas of inquiry are discoverable in this case. There was no declaration  
13 regarding how unduly burdensome or difficult this would be, just a vague promise  
14 to subsequently produce a document sent to or received by Mr. Forgeard in response  
15 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
16 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
17 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
18 to know if any documents are being withheld or not identified based on the  
19 objections or the responses.

20 Defendants need to provide a response that all documents, except privileged  
21 documents, are being produced, along with a privilege log.

22 **DEFENDANTS' POSITION:**

23 Plaintiff's Request for all documents with potential relevance to the subject  
24 matter of this litigation from Mr. Forgeard is overly broad and unduly burdensome.  
25 *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for "all documents" and  
26 "all communications" relating to a variety of topics do not describe with  
27 "reasonable particularity" what categories of documents should be produced).  
28 Plaintiff's Request improperly attempts to circumvent the accepted discovery

1 process of negotiating search parameters to identify documents responsive to  
2 specific Requests.

3 During the parties' conferences, Defendants proposed that this issue could  
4 be resolved because, as set forth in Defendants' response to this Request,  
5 Defendants will produce any responsive documents within the scope of production  
6 in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated that they  
7 would provide a privilege log associated with the production if any documents were  
8 withheld on the basis of privilege. *Id.* ¶ 15. Because Defendants agreed to produce  
9 documents responsive to this Request before the fact discovery cut-off in June  
10 2026, Plaintiff's dispute over this Request is premature and should be denied. *See*  
11 *Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where "the  
12 producing parties have actually agreed to produce all responsive documents");  
13 *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced  
14 the documents that they "already offered to produce"); *Scanlon*, 2020 WL 7360543,  
15 at \*4 (motion to compel document production was premature when the parties still  
16 had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3  
17 (motion to compel was premature where deadline to respond had not elapsed).

18 **REQUEST FOR PRODUCTION NO. 31 (INCORRECTLY NUMBERED AS REQUEST NO.**  
19 **30):**

20 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
21 MESSAGES) sent to, or received by Sam Shahidi regarding the Metacard NFT  
22 Project and/or Bored Jerky. This includes emails, text messages, internal chat logs  
23 (e.g., Slack or Discord servers used by the team), or memoranda from the project's  
24 inception through post- sale.

25 **RESPONSE TO REQUEST FOR PRODUCTION NO. 31 (INCORRECTLY NUMBERED AS**  
26 **REQUEST NO. 30):**

27 In addition to their General Objections, Defendants specifically object to this  
28 Request on the grounds that it is overbroad and unduly burdensome because it seeks

1 “all” Documents “sent to, or received by[,] Sam Shahidi regarding the Metacard  
2 NFT Project and/or Bored Jerky.” Defendants further object to this Request on the  
3 basis that it fails to identify the requested documents with reasonable particularity.  
4 Defendants further object to this Request to the extent that it seeks documents that  
5 are irrelevant or not proportional to the needs of the case. Defendants further object  
6 to this Request to the extent that it seeks documents or information protected by the  
7 attorney-client privilege, work-product doctrine, the common interest privilege, or  
8 any other applicable privilege, protection, or immunity. Defendants further object  
9 to this Request to the extent that it seeks documents outside Defendants’ possession,  
10 custody, or control. Defendants further object to this Request to the extent that such  
11 documents or information are duplicative or cumulative of documents or  
12 information that have already been produced to Plaintiff by other sources.

13 Subject to and without waiving the foregoing objections, Defendants will  
14 produce any Documents sent to, or received by, Sam Shahidi to the extent such  
15 Documents are within the scope of Defendants’ agreed-upon production in response  
16 to the other Requests.

17 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

18 Mr. Shahidi is an employee or agent of Defendants and involved with the  
19 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
20 sent to Mr. Shahidi related to the Metacard NFT or Bored Jerky project. The Bored  
21 Jerky project was offered as an out to Metacard purchasers three years later.

22 These areas of inquiry are discoverable in this case. There was no declaration  
23 regarding how unduly burdensome or difficult this would be, just a vague promise  
24 to subsequently produce a document sent to or received by Mr. Shahidi in response  
25 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
26 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
27 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
28 to know if any documents are being withheld or not identified based on the

1 objections or the responses.

2 Defendant's refuse to indicate whether or not this witness is a third party,  
3 who would be subject to a subpoena per Rule 45.

4 Defendants need to provide a response that all documents, except privileged  
5 documents, are being produced, along with a privilege log.

6 **DEFENDANTS' POSITION:**

7 Request Nos. 31 through 55 broadly seek all documents "regarding the  
8 Metacard NFT Project and/or Bored Jerky" from various individuals, some of  
9 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
10 even employees or agents of Defendants. These overly broad, generalized Requests  
11 are wholly improper.

12 *First*, Plaintiff's Requests for all documents with potential relevance to the  
13 subject matter of this litigation from a particular individual are overly broad and  
14 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
15 "all documents" and "all communications" relating to a variety of topics do not  
16 describe with "reasonable particularity" what categories of documents should be  
17 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
18 discovery process of negotiating document custodians, collecting documents from  
19 the agreed-upon custodians, and conducting searches for responsive documents  
20 within the custodial files using negotiated search parameters.

21 *Second*, Plaintiff requests documents from individuals who had no  
22 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
23 this litigation. Defendants should not be compelled to collect documents from such  
24 individuals, as that would impose an unreasonable burden disproportionate to the  
25 needs of the case.

26 *Third*, Plaintiff requests documents from individuals who are outside of the  
27 Defendants' control. Defendants cannot be compelled to search for or produce  
28 documents outside of their possession, custody, or control. *See Welland Indus. LLC*



1 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
2 2025) (denying request to compel because parties “cannot be compelled to provide  
3 documents that are not within its possession, custody, or control.”); *Travelers*  
4 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
5 “cannot compel Defendant to produce or answer about documents or information  
6 not in its care, custody, or control”).

7 *Fourth*, Defendants have no obligation to identify whether the individuals  
8 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
9 disclosures—which the parties agreed to exchange after resolution of the motion to  
10 dismiss—will clarify which individuals are relevant witnesses and which  
11 individuals are Defendants’ agents.

12 During the parties’ conferences, Defendants proposed that this issue could  
13 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
14 through 55, Defendants will produce any responsive documents within the scope of  
15 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
16 that they would provide a privilege log associated with the production if any  
17 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
18 stated that their initial disclosures would clarify which individuals are relevant  
19 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
20 Defendants agreed to produce documents in response to this Request before the fact  
21 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
22 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
23 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
24 5099748, at \*1 (denying motion to compel where “the producing parties have  
25 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
26 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
27 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
28 compel document production was premature when the parties still had 1.5 months

1 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
2 was premature where deadline to respond had not elapsed).

3 **REQUEST FOR PRODUCTION NO. 32 (INCORRECTLY NUMBERED AS REQUEST NO.**  
4 **31):**

5 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
6 MESSAGES) sent to, or received by Jesse Sebastiani regarding the Metacard NFT  
7 Project and/or Bored Jerky. This includes emails, text messages, internal chat logs  
8 (e.g., Slack or Discord servers used by the team), or memoranda from the project's  
9 inception through post- sale.

10 **RESPONSE TO REQUEST FOR PRODUCTION NO. 32 (INCORRECTLY NUMBERED AS**  
11 **REQUEST NO. 31):**

12 In addition to their General Objections, Defendants specifically object to this  
13 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
14 "all" Documents "sent to, or received by[,] Jesse Sebastiani regarding the Metacard  
15 NFT Project and/or Bored Jerky." Defendants further object to this Request on the  
16 basis that it fails to identify the requested documents with reasonable particularity.  
17 Defendants further object to this Request to the extent that it seeks documents that  
18 are irrelevant or not proportional to the needs of the case. Defendants further object  
19 to this Request to the extent that it seeks documents or information protected by the  
20 attorney-client privilege, work-product doctrine, the common interest privilege, or  
21 any other applicable privilege, protection, or immunity. Defendants further object  
22 to this Request to the extent that it seeks documents outside Defendants' possession,  
23 custody, or control. Defendants further object to this Request to the extent that such  
24 documents or information are duplicative or cumulative of documents or  
25 information that have already been produced to Plaintiff by other sources.

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1 Subject to and without waiving the foregoing objections, Defendants will  
2 produce any Documents sent to, or received by, Jesse Sebastiani to the extent such  
3 Documents are within the scope of Defendants' agreed-upon production in response  
4 to the other Requests.

5 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

6 Mr. Sebastiani is an employee or agent of Defendants and involved with the  
7 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
8 sent to Mr. Sebastiani related to the Metacard NFT or Bored Jerky project. The  
9 Bored Jerky project was offered as an out to Metacard purchasers three years later.

10 These areas of inquiry are discoverable in this case. There was no declaration  
11 regarding how unduly burdensome or difficult this would be, just a vague promise  
12 to subsequently produce a document sent to or received by Mr. Sebastiani in  
13 response to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
14 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
15 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
16 to know if any documents are being withheld or not identified based on the  
17 objections or the responses.

18 Defendant's refuse to indicate whether or not this witness is a third party,  
19 who would be subject to a subpoena per Rule 45.

20 Defendants need to provide a response that all documents, except privileged  
21 documents, are being produced, along with a privilege log.

22 **DEFENDANTS' POSITION:**

23 Request Nos. 31 through 55 broadly seek all documents "regarding the  
24 Metacard NFT Project and/or Bored Jerky" from various individuals, some of  
25 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
26 even employees or agents of Defendants. These overly broad, generalized Requests  
27 are wholly improper.

28 ///

1        *First*, Plaintiff’s Requests for all documents with potential relevance to the  
2 subject matter of this litigation from a particular individual are overly broad and  
3 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
4 “all documents” and “all communications” relating to a variety of topics do not  
5 describe with “reasonable particularity” what categories of documents should be  
6 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
7 discovery process of negotiating document custodians, collecting documents from  
8 the agreed-upon custodians, and conducting searches for responsive documents  
9 within the custodial files using negotiated search parameters.

10        *Second*, Plaintiff requests documents from individuals who had no  
11 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
12 this litigation. Defendants should not be compelled to collect documents from such  
13 individuals, as that would impose an unreasonable burden disproportionate to the  
14 needs of the case.

15        *Third*, Plaintiff requests documents from individuals who are outside of the  
16 Defendants’ control. Defendants cannot be compelled to search for or produce  
17 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
18 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
19 2025) (denying request to compel because parties “cannot be compelled to provide  
20 documents that are not within its possession, custody, or control.”); *Travelers*  
21 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
22 “cannot compel Defendant to produce or answer about documents or information  
23 not in its care, custody, or control”).

24        *Fourth*, Defendants have no obligation to identify whether the individuals  
25 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
26 disclosures—which the parties agreed to exchange after resolution of the motion to  
27 dismiss—will clarify which individuals are relevant witnesses and which  
28 individuals are Defendants’ agents.

1 During the parties' conferences, Defendants proposed that this issue could  
2 be resolved because, as set forth in Defendants' response to Request Nos. 31  
3 through 55, Defendants will produce any responsive documents within the scope of  
4 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
5 that they would provide a privilege log associated with the production if any  
6 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
7 stated that their initial disclosures would clarify which individuals are relevant  
8 witnesses and which individuals are Defendants' agents. *Id.* ¶ 14. Because  
9 Defendants agreed to produce documents in response to this Request before the fact  
10 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
11 not be exchanged until after the motion to dismiss, Plaintiff's dispute over this  
12 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
13 5099748, at \*1 (denying motion to compel where "the producing parties have  
14 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
15 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
16 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
17 compel document production was premature when the parties still had 1.5 months  
18 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
19 was premature where deadline to respond had not elapsed).

20 **REQUEST FOR PRODUCTION NO. 33 (INCORRECTLY NUMBERED AS REQUEST NO.**  
21 **32):**

22 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
23 MESSAGES) sent to, or received by Stephen DeLeonardis regarding the Metacard  
24 NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat  
25 logs (e.g., Slack or Discord servers used by the team), or memoranda from the  
26 project's inception through post- sale.

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**RESPONSE TO REQUEST FOR PRODUCTION NO. 33 (INCORRECTLY NUMBERED AS REQUEST NO. 32):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Stephen DeLeonardis regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants’ possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will produce any Documents sent to, or received by, Stephen DeLeonardis to the extent such Documents are within the scope of Defendants’ agreed-upon production in response to the other Requests.

**LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

Mr. DeLeonardis is an employee or agent of Defendants and involved with the Metacard NFT or Bored Jerky project. The request seeks any documents sent by or sent to Mr. DeLeonardis related to the Metacard NFT or Bored Jerky project. The Bored Jerky project was offered as an out to Metacard purchasers three years later.

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1           These areas of inquiry are discoverable in this case. There was no declaration  
2 regarding how unduly burdensome or difficult this would be, just a vague promise  
3 to subsequently produce a document sent to or received by Mr. DeLeonardis in  
4 response to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
5 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
6 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
7 to know if any documents are being withheld or not identified based on the  
8 objections or the responses.

9           Defendant’s refuse to indicate whether or not this witness is a third party,  
10 who would be subject to a subpoena per Rule 45.

11           Defendants need to provide a response that all documents, except privileged  
12 documents, are being produced, along with a privilege log.

13           **DEFENDANTS’ POSITION:**

14           Request Nos. 31 through 55 broadly seek all documents “regarding the  
15 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
16 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
17 even employees or agents of Defendants. These overly broad, generalized Requests  
18 are wholly improper.

19           *First*, Plaintiff’s Requests for all documents with potential relevance to the  
20 subject matter of this litigation from a particular individual are overly broad and  
21 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
22 “all documents” and “all communications” relating to a variety of topics do not  
23 describe with “reasonable particularity” what categories of documents should be  
24 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
25 discovery process of negotiating document custodians, collecting documents from  
26 the agreed-upon custodians, and conducting searches for responsive documents  
27 within the custodial files using negotiated search parameters.

28       ///

1        *Second*, Plaintiff requests documents from individuals who had no  
2 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
3 this litigation. Defendants should not be compelled to collect documents from such  
4 individuals, as that would impose an unreasonable burden disproportionate to the  
5 needs of the case.

6        *Third*, Plaintiff requests documents from individuals who are outside of the  
7 Defendants’ control. Defendants cannot be compelled to search for or produce  
8 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
9 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
10 2025) (denying request to compel because parties “cannot be compelled to provide  
11 documents that are not within its possession, custody, or control.”); *Travelers*  
12 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
13 “cannot compel Defendant to produce or answer about documents or information  
14 not in its care, custody, or control”).

15        *Fourth*, Defendants have no obligation to identify whether the individuals  
16 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
17 disclosures—which the parties agreed to exchange after resolution of the motion to  
18 dismiss—will clarify which individuals are relevant witnesses and which  
19 individuals are Defendants’ agents.

20        During the parties’ conferences, Defendants proposed that this issue could  
21 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
22 through 55, Defendants will produce any responsive documents within the scope of  
23 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
24 that they would provide a privilege log associated with the production if any  
25 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
26 stated that their initial disclosures would clarify which individuals are relevant  
27 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
28 Defendants agreed to produce documents in response to this Request before the fact

1 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
2 not be exchanged until after the motion to dismiss, Plaintiff's dispute over this  
3 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
4 5099748, at \*1 (denying motion to compel where "the producing parties have  
5 actually agreed to produce all responsive documents"); *ViaSat, Inc.*, 2013 WL  
6 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
7 they "already offered to produce"); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
8 compel document production was premature when the parties still had 1.5 months  
9 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
10 was premature where deadline to respond had not elapsed).

11 **REQUEST FOR PRODUCTION NO. 34 (INCORRECTLY NUMBERED AS REQUEST NO.**  
12 **33):**

13 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
14 MESSAGES) sent to, or received by Arthur Kulik regarding the Metacard NFT  
15 Project and/or Bored Jerky. This includes emails, text messages, internal chat logs  
16 (e.g., Slack or Discord servers used by the team), or memoranda from the project's  
17 inception through post- sale.

18 **RESPONSE TO REQUEST FOR PRODUCTION NO. 34 (INCORRECTLY NUMBERED AS**  
19 **REQUEST NO. 33):**

20 In addition to their General Objections, Defendants specifically object to this  
21 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
22 "all" Documents "sent to, or received by[,] Arthur Kulik regarding the Metacard  
23 NFT Project and/or Bored Jerky." Defendants further object to this Request on the  
24 basis that it fails to identify the requested documents with reasonable particularity.  
25 Defendants further object to this Request to the extent that it seeks documents that  
26 are irrelevant or not proportional to the needs of the case. Defendants further object  
27 to this Request to the extent that it seeks documents or information protected by the  
28 attorney-client privilege, work-product doctrine, the common interest privilege, or

1 any other applicable privilege, protection, or immunity. Defendants further object  
2 to this Request to the extent that it seeks documents outside Defendants' possession,  
3 custody, or control. Defendants further object to this Request to the extent that such  
4 documents or information are duplicative or cumulative of documents or  
5 information that have already been produced to Plaintiff by other sources.

6 Subject to and without waiving the foregoing objections, Defendants will  
7 produce any Documents sent to, or received by, Arthur Kulik to the extent such  
8 Documents are within the scope of Defendants' agreed-upon production in response  
9 to the other Requests.

10 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

11 Mr. Kulik is an employee or agent of Defendants and involved with the  
12 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
13 sent to Mr. Kulik related to the Metacard NFT or Bored Jerky project. The Bored  
14 Jerky project was offered as an out to Metacard purchasers three years later.

15 These areas of inquiry are discoverable in this case. There was no declaration  
16 regarding how unduly burdensome or difficult this would be, just a vague promise  
17 to subsequently produce a document sent to or received by Mr. Kulik in response  
18 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
19 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
20 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
21 to know if any documents are being withheld or not identified based on the  
22 objections or the responses.

23 Defendant's refuse to indicate whether or not this witness is a third party,  
24 who would be subject to a subpoena per Rule 45.

25 Defendants need to provide a response that all documents, except privileged  
26 documents, are being produced, along with a privilege log.

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1 **DEFENDANTS' POSITION:**

2 Request Nos. 31 through 55 broadly seek all documents “regarding the  
3 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
4 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
5 even employees or agents of Defendants. These overly broad, generalized Requests  
6 are wholly improper.

7 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
8 subject matter of this litigation from a particular individual are overly broad and  
9 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
10 “all documents” and “all communications” relating to a variety of topics do not  
11 describe with “reasonable particularity” what categories of documents should be  
12 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
13 discovery process of negotiating document custodians, collecting documents from  
14 the agreed-upon custodians, and conducting searches for responsive documents  
15 within the custodial files using negotiated search parameters.

16 *Second*, Plaintiff requests documents from individuals who had no  
17 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
18 this litigation. Defendants should not be compelled to collect documents from such  
19 individuals, as that would impose an unreasonable burden disproportionate to the  
20 needs of the case.

21 *Third*, Plaintiff requests documents from individuals who are outside of the  
22 Defendants’ control. Defendants cannot be compelled to search for or produce  
23 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
24 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
25 2025) (denying request to compel because parties “cannot be compelled to provide  
26 documents that are not within its possession, custody, or control.”); *Travelers*  
27 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
28 “cannot compel Defendant to produce or answer about documents or information

1 not in its care, custody, or control”).

2 *Fourth*, Defendants have no obligation to identify whether the individuals  
3 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
4 disclosures—which the parties agreed to exchange after resolution of the motion to  
5 dismiss—will clarify which individuals are relevant witnesses and which  
6 individuals are Defendants’ agents.

7 During the parties’ conferences, Defendants proposed that this issue could  
8 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
9 through 55, Defendants will produce any responsive documents within the scope of  
10 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
11 that they would provide a privilege log associated with the production if any  
12 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
13 stated that their initial disclosures would clarify which individuals are relevant  
14 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
15 Defendants agreed to produce documents in response to this Request before the fact  
16 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
17 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
18 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
19 5099748, at \*1 (denying motion to compel where “the producing parties have  
20 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
21 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
22 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
23 compel document production was premature when the parties still had 1.5 months  
24 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
25 was premature where deadline to respond had not elapsed).

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**REQUEST FOR PRODUCTION NO. 35 (INCORRECTLY NUMBERED AS REQUEST NO. 34):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Alex DiTommaso regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project's inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 35 (INCORRECTLY NUMBERED AS REQUEST NO. 34):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks "all" Documents "sent to, or received by[,] Alex DiTommaso regarding the Metacard NFT Project and/or Bored Jerky." Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants' possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will produce any Documents sent to, or received by, Alex DiTommaso to the extent such Documents are within the scope of Defendants' agreed-upon production in response to the other Requests.

1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. DiTommaso is an employee or agent of Defendants and involved with  
3 the Metacard NFT or Bored Jerky project. The request seeks any documents sent  
4 by or sent to Mr. DiTommaso related to the Metacard NFT or Bored Jerky project.  
5 The Bored Jerky project was offered as an out to Metacard purchasers three years  
6 later.

7 These areas of inquiry are discoverable in this case. There was no declaration  
8 regarding how unduly burdensome or difficult this would be, just a vague promise  
9 to subsequently produce a document sent to or received by Mr. DiTommaso in  
10 response to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
11 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
12 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
13 to know if any documents are being withheld or not identified based on the  
14 objections or the responses.

15 Defendant’s refuse to indicate whether or not this witness is a third party,  
16 who would be subject to a subpoena per Rule 45.

17 Defendants need to provide a response that all documents, except privileged  
18 documents, are being produced, along with a privilege log.

19 **DEFENDANTS’ POSITION:**

20 Request Nos. 31 through 55 broadly seek all documents “regarding the  
21 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
22 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
23 even employees or agents of Defendants. These overly broad, generalized Requests  
24 are wholly improper.

25 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
26 subject matter of this litigation from a particular individual are overly broad and  
27 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
28 “all documents” and “all communications” relating to a variety of topics do not

1 describe with “reasonable particularity” what categories of documents should be  
2 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
3 discovery process of negotiating document custodians, collecting documents from  
4 the agreed-upon custodians, and conducting searches for responsive documents  
5 within the custodial files using negotiated search parameters.

6 *Second*, Plaintiff requests documents from individuals who had no  
7 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
8 this litigation. Defendants should not be compelled to collect documents from such  
9 individuals, as that would impose an unreasonable burden disproportionate to the  
10 needs of the case.

11 *Third*, Plaintiff requests documents from individuals who are outside of the  
12 Defendants’ control. Defendants cannot be compelled to search for or produce  
13 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
14 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
15 2025) (denying request to compel because parties “cannot be compelled to provide  
16 documents that are not within its possession, custody, or control.”); *Travelers*  
17 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
18 “cannot compel Defendant to produce or answer about documents or information  
19 not in its care, custody, or control”).

20 *Fourth*, Defendants have no obligation to identify whether the individuals  
21 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
22 disclosures—which the parties agreed to exchange after resolution of the motion to  
23 dismiss—will clarify which individuals are relevant witnesses and which  
24 individuals are Defendants’ agents.

25 During the parties’ conferences, Defendants proposed that this issue could  
26 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
27 through 55, Defendants will produce any responsive documents within the scope of  
28 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated

1 that they would provide a privilege log associated with the production if any  
2 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
3 stated that their initial disclosures would clarify which individuals are relevant  
4 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
5 Defendants agreed to produce documents in response to this Request before the fact  
6 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
7 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
8 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
9 5099748, at \*1 (denying motion to compel where “the producing parties have  
10 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
11 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
12 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
13 compel document production was premature when the parties still had 1.5 months  
14 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
15 was premature where deadline to respond had not elapsed).

16 **REQUEST FOR PRODUCTION NO. 36 (INCORRECTLY NUMBERED AS REQUEST NO.**  
17 **35):**

18 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
19 MESSAGES) sent to, or received by Drew Hill regarding the Metacard NFT Project  
20 and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g.,  
21 Slack or Discord servers used by the team), or memoranda from the project’s  
22 inception through post- sale.

23 **RESPONSE TO REQUEST FOR PRODUCTION NO. 36 (INCORRECTLY NUMBERED AS**  
24 **REQUEST NO. 35):**

25 In addition to their General Objections, Defendants specifically object to this  
26 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
27 “all” Documents “sent to, or received by[,] Drew Hill regarding the Metacard NFT  
28 Project and/or Bored Jerky.” Defendants further object to this Request on the basis

1 that it fails to identify the requested documents with reasonable particularity.  
2 Defendants further object to this Request to the extent that it seeks documents that  
3 are irrelevant or not proportional to the needs of the case. Defendants further object  
4 to this Request to the extent that it seeks documents or information protected by the  
5 attorney-client privilege, work-product doctrine, the common interest privilege, or  
6 any other applicable privilege, protection, or immunity. Defendants further object  
7 to this Request to the extent that it seeks documents outside Defendants' possession,  
8 custody, or control. Defendants further object to this Request to the extent that such  
9 documents or information are duplicative or cumulative of documents or  
10 information that have already been produced to Plaintiff by other sources.

11 Subject to and without waiving the foregoing objections, Defendants will  
12 produce any Documents sent to, or received by, Drew Hill to the extent such  
13 Documents are within the scope of Defendants' agreed-upon production in response  
14 to the other Requests.

15 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

16 Mr. Hill is an employee or agent of Defendants and involved with the  
17 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
18 sent to Mr. Hill related to the Metacard NFT or Bored Jerky project. The Bored  
19 Jerky project was offered as an out to Metacard purchasers three years later.

20 These areas of inquiry are discoverable in this case. There was no declaration  
21 regarding how unduly burdensome or difficult this would be, just a vague promise  
22 to subsequently produce a document sent to or received by Mr. Hill in response to  
23 **other** requests. That is also after all the objections. Fed. R. Civ. P.  
24 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
25 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
26 to know if any documents are being withheld or not identified based on the  
27 objections or the responses.

28 ///

1 Defendant's refuse to indicate whether or not this witness is a third party,  
2 who would be subject to a subpoena per Rule 45.

3 Defendants need to provide a response that all documents, except privileged  
4 documents, are being produced, along with a privilege log.

5 **DEFENDANTS' POSITION:**

6 Request Nos. 31 through 55 broadly seek all documents "regarding the  
7 Metacard NFT Project and/or Bored Jerky" from various individuals, some of  
8 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
9 even employees or agents of Defendants. These overly broad, generalized Requests  
10 are wholly improper.

11 *First*, Plaintiff's Requests for all documents with potential relevance to the  
12 subject matter of this litigation from a particular individual are overly broad and  
13 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
14 "all documents" and "all communications" relating to a variety of topics do not  
15 describe with "reasonable particularity" what categories of documents should be  
16 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
17 discovery process of negotiating document custodians, collecting documents from  
18 the agreed-upon custodians, and conducting searches for responsive documents  
19 within the custodial files using negotiated search parameters.

20 *Second*, Plaintiff requests documents from individuals who had no  
21 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
22 this litigation. Defendants should not be compelled to collect documents from such  
23 individuals, as that would impose an unreasonable burden disproportionate to the  
24 needs of the case.

25 *Third*, Plaintiff requests documents from individuals who are outside of the  
26 Defendants' control. Defendants cannot be compelled to search for or produce  
27 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
28 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,



1 2025) (denying request to compel because parties “cannot be compelled to provide  
2 documents that are not within its possession, custody, or control.”); *Travelers*  
3 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
4 “cannot compel Defendant to produce or answer about documents or information  
5 not in its care, custody, or control”).

6 *Fourth*, Defendants have no obligation to identify whether the individuals  
7 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
8 disclosures—which the parties agreed to exchange after resolution of the motion to  
9 dismiss—will clarify which individuals are relevant witnesses and which  
10 individuals are Defendants’ agents.

11 During the parties’ conferences, Defendants proposed that this issue could  
12 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
13 through 55, Defendants will produce any responsive documents within the scope of  
14 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
15 that they would provide a privilege log associated with the production if any  
16 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
17 stated that their initial disclosures would clarify which individuals are relevant  
18 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
19 Defendants agreed to produce documents in response to this Request before the fact  
20 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
21 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
22 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
23 5099748, at \*1 (denying motion to compel where “the producing parties have  
24 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
25 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
26 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
27 compel document production was premature when the parties still had 1.5 months  
28 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel

1 was premature where deadline to respond had not elapsed).

2 **REQUEST FOR PRODUCTION NO. 37 (INCORRECTLY NUMBERED AS REQUEST NO.**  
3 **36):**

4 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
5 MESSAGES) sent to, or received by Phil Front regarding the Metacard NFT Project  
6 and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g.,  
7 Slack or Discord servers used by the team), or memoranda from the project's  
8 inception through post- sale.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 37 (INCORRECTLY NUMBERED AS**  
10 **REQUEST NO. 36):**

11 In addition to their General Objections, Defendants specifically object to this  
12 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
13 "all" Documents "sent to, or received by[,] Phil Front regarding the Metacard NFT  
14 Project and/or Bored Jerky." Defendants further object to this Request on the basis  
15 that it fails to identify the requested documents with reasonable particularity.  
16 Defendants further object to this Request to the extent that it seeks documents that  
17 are irrelevant or not proportional to the needs of the case. Defendants further object  
18 to this Request to the extent that it seeks documents or information protected by the  
19 attorney-client privilege, work-product doctrine, the common interest privilege, or  
20 any other applicable privilege, protection, or immunity. Defendants further object  
21 to this Request to the extent that it seeks documents outside Defendants' possession,  
22 custody, or control. Defendants further object to this Request to the extent that such  
23 documents or information are duplicative or cumulative of documents or  
24 information that have already been produced to Plaintiff by other sources.

25 Subject to and without waiving the foregoing objections, Defendants will  
26 produce any Documents sent to, or received by, Phil Front to the extent such  
27 Documents are within the scope of Defendants' agreed-upon production in response  
28 to the other Requests.

1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Front is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Front related to the Metacard NFT or Bored Jerky project. The Bored  
5 Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Front in response  
9 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be

1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could  
25 be resolved because, as set forth in Defendants' response to Request Nos. 31  
26 through 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any

documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

**REQUEST FOR PRODUCTION NO. 38 (INCORRECTLY NUMBERED AS REQUEST NO. 37):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Lauren Avery regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project’s inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 38 (INCORRECTLY NUMBERED AS REQUEST NO. 37):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Lauren Avery regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity.

1 Defendants further object to this Request to the extent that it seeks documents that  
2 are irrelevant or not proportional to the needs of the case. Defendants further object  
3 to this Request to the extent that it seeks documents or information protected by the  
4 attorney-client privilege, work-product doctrine, the common interest privilege, or  
5 any other applicable privilege, protection, or immunity. Defendants further object  
6 to this Request to the extent that it seeks documents outside Defendants' possession,  
7 custody, or control. Defendants further object to this Request to the extent that such  
8 documents or information are duplicative or cumulative of documents or  
9 information that have already been produced to Plaintiff by other sources.

10 Subject to and without waiving the foregoing objections, Defendants will  
11 produce any Documents sent to, or received by, Lauren Avery to the extent such  
12 Documents are within the scope of Defendants' agreed-upon production in response  
13 to the other Requests.

14 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

15 Ms. Avery is an employee or agent of Defendants and involved with the  
16 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
17 sent to Ms. Avery related to the Metacard NFT or Bored Jerky project. The Bored  
18 Jerky project was offered as an out to Metacard purchasers three years later.

19 These areas of inquiry are discoverable in this case. There was no declaration  
20 regarding how unduly burdensome or difficult this would be, just a vague promise  
21 to subsequently produce a document sent to or received by Ms. Avery in response  
22 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
23 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
24 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
25 to know if any documents are being withheld or not identified based on the  
26 objections or the responses.

27 Defendant's refuse to indicate whether or not this witness is a third party,  
28 who would be subject to a subpoena per Rule 45.



1 Defendants need to provide a response that all documents, except privileged  
2 documents, are being produced, along with a privilege log.

3 **DEFENDANTS' POSITION:**

4 Request Nos. 31 through 55 broadly seek all documents “regarding the  
5 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
6 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
7 even employees or agents of Defendants. These overly broad, generalized Requests  
8 are wholly improper.

9 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
10 subject matter of this litigation from a particular individual are overly broad and  
11 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
12 “all documents” and “all communications” relating to a variety of topics do not  
13 describe with “reasonable particularity” what categories of documents should be  
14 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
15 discovery process of negotiating document custodians, collecting documents from  
16 the agreed-upon custodians, and conducting searches for responsive documents  
17 within the custodial files using negotiated search parameters.

18 *Second*, Plaintiff requests documents from individuals who had no  
19 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
20 this litigation. Defendants should not be compelled to collect documents from such  
21 individuals, as that would impose an unreasonable burden disproportionate to the  
22 needs of the case.

23 *Third*, Plaintiff requests documents from individuals who are outside of the  
24 Defendants’ control. Defendants cannot be compelled to search for or produce  
25 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
26 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
27 2025) (denying request to compel because parties “cannot be compelled to provide  
28 documents that are not within its possession, custody, or control.”); *Travelers*

1 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
2 “cannot compel Defendant to produce or answer about documents or information  
3 not in its care, custody, or control”).

4 *Fourth*, Defendants have no obligation to identify whether the individuals  
5 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
6 disclosures—which the parties agreed to exchange after resolution of the motion to  
7 dismiss—will clarify which individuals are relevant witnesses and which  
8 individuals are Defendants’ agents.

9 During the parties’ conferences, Defendants proposed that this issue could  
10 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
11 through 55, Defendants will produce any responsive documents within the scope of  
12 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
13 that they would provide a privilege log associated with the production if any  
14 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
15 stated that their initial disclosures would clarify which individuals are relevant  
16 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
17 Defendants agreed to produce documents in response to this Request before the fact  
18 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
19 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
20 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
21 5099748, at \*1 (denying motion to compel where “the producing parties have  
22 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
23 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
24 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
25 compel document production was premature when the parties still had 1.5 months  
26 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
27 was premature where deadline to respond had not elapsed).

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**REQUEST FOR PRODUCTION NO. 39 (INCORRECTLY NUMBERED AS REQUEST NO. 38):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Adrian Verdault regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project's inception through post-sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 39 (INCORRECTLY NUMBERED AS REQUEST NO. 38):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks "all" Documents "sent to, or received by[,] Adrian Verdault regarding the Metacard NFT Project and/or Bored Jerky." Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants' possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will produce any Documents sent to, or received by, Adrian Verdault to the extent such Documents are within the scope of Defendants' agreed-upon production in response to the other Requests.

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1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Verdault is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Verdault related to the Metacard NFT or Bored Jerky project. The Bored  
5 Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Verdault in response  
9 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be

1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could  
25 be resolved because, as set forth in Defendants' response to Request Nos. 31  
26 through 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any

documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

**REQUEST FOR PRODUCTION NO. 40 (INCORRECTLY NUMBERED AS REQUEST NO. 39):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Matt Ellis regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project’s inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 40 (INCORRECTLY NUMBERED AS REQUEST NO. 39):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Matt Ellis regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity.



1 Defendants further object to this Request to the extent that it seeks documents that  
2 are irrelevant or not proportional to the needs of the case. Defendants further object  
3 to this Request to the extent that it seeks documents or information protected by the  
4 attorney-client privilege, work-product doctrine, the common interest privilege, or  
5 any other applicable privilege, protection, or immunity. Defendants further object  
6 to this Request to the extent that it seeks documents outside Defendants' possession,  
7 custody, or control. Defendants further object to this Request to the extent that such  
8 documents or information are duplicative or cumulative of documents or  
9 information that have already been produced to Plaintiff by other sources.

10 Subject to and without waiving the foregoing objections, Defendants will  
11 produce any Documents sent to, or received by, Matt Ellis to the extent such  
12 Documents are within the scope of Defendants' agreed-upon production in response  
13 to the other Requests.

14 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

15 Mr. Ellis is an employee or agent of Defendants and involved with the  
16 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
17 sent to Mr. Ellis related to the Metacard NFT or Bored Jerky project. The Bored  
18 Jerky project was offered as an out to Metacard purchasers three years later.

19 These areas of inquiry are discoverable in this case. There was no declaration  
20 regarding how unduly burdensome or difficult this would be, just a vague promise  
21 to subsequently produce a document sent to or received by Mr. Ellis in response to  
22 **other** requests. That is also after all the objections. Fed. R. Civ. P.  
23 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
24 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
25 to know if any documents are being withheld or not identified based on the  
26 objections or the responses.

27 Defendant's refuse to indicate whether or not this witness is a third party,  
28 who would be subject to a subpoena per Rule 45.

1 Defendants need to provide a response that all documents, except privileged  
2 documents, are being produced, along with a privilege log.

3 **DEFENDANTS' POSITION:**

4 Request Nos. 31 through 55 broadly seek all documents “regarding the  
5 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
6 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
7 even employees or agents of Defendants. These overly broad, generalized Requests  
8 are wholly improper.

9 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
10 subject matter of this litigation from a particular individual are overly broad and  
11 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
12 “all documents” and “all communications” relating to a variety of topics do not  
13 describe with “reasonable particularity” what categories of documents should be  
14 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
15 discovery process of negotiating document custodians, collecting documents from  
16 the agreed-upon custodians, and conducting searches for responsive documents  
17 within the custodial files using negotiated search parameters.

18 *Second*, Plaintiff requests documents from individuals who had no  
19 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
20 this litigation. Defendants should not be compelled to collect documents from such  
21 individuals, as that would impose an unreasonable burden disproportionate to the  
22 needs of the case.

23 *Third*, Plaintiff requests documents from individuals who are outside of the  
24 Defendants’ control. Defendants cannot be compelled to search for or produce  
25 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
26 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
27 2025) (denying request to compel because parties “cannot be compelled to provide  
28 documents that are not within its possession, custody, or control.”); *Travelers*

1 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
2 “cannot compel Defendant to produce or answer about documents or information  
3 not in its care, custody, or control”).

4 *Fourth*, Defendants have no obligation to identify whether the individuals  
5 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
6 disclosures—which the parties agreed to exchange after resolution of the motion to  
7 dismiss—will clarify which individuals are relevant witnesses and which  
8 individuals are Defendants’ agents.

9 During the parties’ conferences, Defendants proposed that this issue could  
10 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
11 through 55, Defendants will produce any responsive documents within the scope of  
12 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
13 that they would provide a privilege log associated with the production if any  
14 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
15 stated that their initial disclosures would clarify which individuals are relevant  
16 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
17 Defendants agreed to produce documents in response to this Request before the fact  
18 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
19 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
20 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
21 5099748, at \*1 (denying motion to compel where “the producing parties have  
22 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
23 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
24 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
25 compel document production was premature when the parties still had 1.5 months  
26 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
27 was premature where deadline to respond had not elapsed).

28 ///

**REQUEST FOR PRODUCTION NO. 41 (INCORRECTLY NUMBERED AS REQUEST NO. 40):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Jason Erne regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project's inception through post-sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 41 (INCORRECTLY NUMBERED AS REQUEST NO. 40):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks "all" Documents "sent to, or received by[,] Jason Erne regarding the Metacard NFT Project and/or Bored Jerky." Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants' possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will produce any Documents sent to, or received by, Jason Erne to the extent such Documents are within the scope of Defendants' agreed-upon production in response to the other Requests.

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1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Erne is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Erne related to the Metacard NFT or Bored Jerky project. The Bored  
5 Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Erne in response to  
9 **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be

1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could  
25 be resolved because, as set forth in Defendants' response to Request Nos. 31  
26 through 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any



documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

**REQUEST FOR PRODUCTION NO. 42 (INCORRECTLY NUMBERED AS REQUEST NO. 41):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Eric Cadieux regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project’s inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 42 (INCORRECTLY NUMBERED AS REQUEST NO. 41):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Eric Cadieux regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity.

1 Defendants further object to this Request to the extent that it seeks documents that  
2 are irrelevant or not proportional to the needs of the case. Defendants further object  
3 to this Request to the extent that it seeks documents or information protected by the  
4 attorney-client privilege, work-product doctrine, the common interest privilege, or  
5 any other applicable privilege, protection, or immunity. Defendants further object  
6 to this Request to the extent that it seeks documents outside Defendants' possession,  
7 custody, or control. Defendants further object to this Request to the extent that such  
8 documents or information are duplicative or cumulative of documents or  
9 information that have already been produced to Plaintiff by other sources.

10 Subject to and without waiving the foregoing objections, Defendants will  
11 produce any Documents sent to, or received by, Eric Cadieux to the extent such  
12 Documents are within the scope of Defendants' agreed-upon production in response  
13 to the other Requests.

14 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

15 Mr. Cadieux is an employee or agent of Defendants and involved with the  
16 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
17 sent to Mr. Cadieux related to the Metacard NFT or Bored Jerky project. The Bored  
18 Jerky project was offered as an out to Metacard purchasers three years later.

19 These areas of inquiry are discoverable in this case. There was no declaration  
20 regarding how unduly burdensome or difficult this would be, just a vague promise  
21 to subsequently produce a document sent to or received by Mr. Cadieux in response  
22 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
23 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
24 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
25 to know if any documents are being withheld or not identified based on the  
26 objections or the responses.

27 Defendant's refuse to indicate whether or not this witness is a third party,  
28 who would be subject to a subpoena per Rule 45.

1 Defendants need to provide a response that all documents, except privileged  
2 documents, are being produced, along with a privilege log.

3 **DEFENDANTS' POSITION:**

4 Request Nos. 31 through 55 broadly seek all documents “regarding the  
5 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
6 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
7 even employees or agents of Defendants. These overly broad, generalized Requests  
8 are wholly improper.

9 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
10 subject matter of this litigation from a particular individual are overly broad and  
11 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
12 “all documents” and “all communications” relating to a variety of topics do not  
13 describe with “reasonable particularity” what categories of documents should be  
14 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
15 discovery process of negotiating document custodians, collecting documents from  
16 the agreed-upon custodians, and conducting searches for responsive documents  
17 within the custodial files using negotiated search parameters.

18 *Second*, Plaintiff requests documents from individuals who had no  
19 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
20 this litigation. Defendants should not be compelled to collect documents from such  
21 individuals, as that would impose an unreasonable burden disproportionate to the  
22 needs of the case.

23 *Third*, Plaintiff requests documents from individuals who are outside of the  
24 Defendants’ control. Defendants cannot be compelled to search for or produce  
25 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
26 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
27 2025) (denying request to compel because parties “cannot be compelled to provide  
28 documents that are not within its possession, custody, or control.”); *Travelers*

1 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
2 “cannot compel Defendant to produce or answer about documents or information  
3 not in its care, custody, or control”).

4 *Fourth*, Defendants have no obligation to identify whether the individuals  
5 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
6 disclosures—which the parties agreed to exchange after resolution of the motion to  
7 dismiss—will clarify which individuals are relevant witnesses and which  
8 individuals are Defendants’ agents.

9 During the parties’ conferences, Defendants proposed that this issue could  
10 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
11 through 55, Defendants will produce any responsive documents within the scope of  
12 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
13 that they would provide a privilege log associated with the production if any  
14 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
15 stated that their initial disclosures would clarify which individuals are relevant  
16 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
17 Defendants agreed to produce documents in response to this Request before the fact  
18 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
19 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
20 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
21 5099748, at \*1 (denying motion to compel where “the producing parties have  
22 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
23 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
24 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
25 compel document production was premature when the parties still had 1.5 months  
26 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
27 was premature where deadline to respond had not elapsed).

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**REQUEST FOR PRODUCTION NO. 43 (INCORRECTLY NUMBERED AS REQUEST NO. 42):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Salim Sirur regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project's inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 43 (INCORRECTLY NUMBERED AS REQUEST NO. 42):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks "all" Documents "sent to, or received by[,] Salim Sirur regarding the Metacard NFT Project and/or Bored Jerky." Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants' possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will produce any Documents sent to, or received by, Salim Sirur to the extent such Documents are within the scope of Defendants' agreed-upon production in response to the other Requests.

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1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Sirur is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Sirur related to the Metacard NFT or Bored Jerky project. The Bored  
5 Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Sirur in response to  
9 **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be



1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could  
25 be resolved because, as set forth in Defendants' response to Request Nos. 31  
26 through 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any

documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

**REQUEST FOR PRODUCTION NO. 44 (INCORRECTLY NUMBERED AS REQUEST NO. 43):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Aaron Steinberg regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project’s inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 44 (INCORRECTLY NUMBERED AS REQUEST NO. 43):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Aaron Steinberg regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity.

1 Defendants further object to this Request to the extent that it seeks documents that  
2 are irrelevant or not proportional to the needs of the case. Defendants further object  
3 to this Request to the extent that it seeks documents or information protected by the  
4 attorney-client privilege, work-product doctrine, the common interest privilege, or  
5 any other applicable privilege, protection, or immunity. Defendants further object  
6 to this Request to the extent that it seeks documents outside Defendants' possession,  
7 custody, or control. Defendants further object to this Request to the extent that such  
8 documents or information are duplicative or cumulative of documents or  
9 information that have already been produced to Plaintiff by other sources.

10 Subject to and without waiving the foregoing objections, Defendants will  
11 produce any Documents sent to, or received by, Aaron Steinberg to the extent such  
12 Documents are within the scope of Defendants' agreed-upon production in response  
13 to the other Requests.

14 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

15 Mr. Steinberg is an employee or agent of Defendants and involved with the  
16 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
17 sent to Mr. Steinberg related to the Metacard NFT or Bored Jerky project. The  
18 Bored Jerky project was offered as an out to Metacard purchasers three years later.

19 These areas of inquiry are discoverable in this case. There was no declaration  
20 regarding how unduly burdensome or difficult this would be, just a vague promise  
21 to subsequently produce a document sent to or received by Mr. Steinberg in  
22 response to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
23 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
24 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
25 to know if any documents are being withheld or not identified based on the  
26 objections or the responses.

27 Defendant's refuse to indicate whether or not this witness is a third party,  
28 who would be subject to a subpoena per Rule 45.

1 Defendants need to provide a response that all documents, except privileged  
2 documents, are being produced, along with a privilege log.

3 **DEFENDANTS' POSITION:**

4 Request Nos. 31 through 55 broadly seek all documents “regarding the  
5 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
6 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
7 even employees or agents of Defendants. These overly broad, generalized Requests  
8 are wholly improper.

9 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
10 subject matter of this litigation from a particular individual are overly broad and  
11 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
12 “all documents” and “all communications” relating to a variety of topics do not  
13 describe with “reasonable particularity” what categories of documents should be  
14 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
15 discovery process of negotiating document custodians, collecting documents from  
16 the agreed-upon custodians, and conducting searches for responsive documents  
17 within the custodial files using negotiated search parameters.

18 *Second*, Plaintiff requests documents from individuals who had no  
19 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
20 this litigation. Defendants should not be compelled to collect documents from such  
21 individuals, as that would impose an unreasonable burden disproportionate to the  
22 needs of the case.

23 *Third*, Plaintiff requests documents from individuals who are outside of the  
24 Defendants’ control. Defendants cannot be compelled to search for or produce  
25 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
26 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
27 2025) (denying request to compel because parties “cannot be compelled to provide  
28 documents that are not within its possession, custody, or control.”); *Travelers*

1 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
2 “cannot compel Defendant to produce or answer about documents or information  
3 not in its care, custody, or control”).

4 *Fourth*, Defendants have no obligation to identify whether the individuals  
5 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
6 disclosures—which the parties agreed to exchange after resolution of the motion to  
7 dismiss—will clarify which individuals are relevant witnesses and which  
8 individuals are Defendants’ agents.

9 During the parties’ conferences, Defendants proposed that this issue could  
10 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
11 through 55, Defendants will produce any responsive documents within the scope of  
12 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
13 that they would provide a privilege log associated with the production if any  
14 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
15 stated that their initial disclosures would clarify which individuals are relevant  
16 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
17 Defendants agreed to produce documents in response to this Request before the fact  
18 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
19 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
20 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
21 5099748, at \*1 (denying motion to compel where “the producing parties have  
22 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
23 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
24 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
25 compel document production was premature when the parties still had 1.5 months  
26 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
27 was premature where deadline to respond had not elapsed).

28 ///

**REQUEST FOR PRODUCTION NO. 45 (INCORRECTLY NUMBERED AS REQUEST NO. 44):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Sean Haney regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project's inception through post-sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 45 (INCORRECTLY NUMBERED AS REQUEST NO. 44):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks "all" Documents "sent to, or received by[,] Sean Haney regarding the Metacard NFT Project and/or Bored Jerky." Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants' possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will produce any Documents sent to, or received by, Sean Haney to the extent such Documents are within the scope of Defendants' agreed-upon production in response to the other Requests.

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1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Haney is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Haney related to the Metacard NFT or Bored Jerky project. The Bored  
5 Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Haney in response  
9 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be

1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could  
25 be resolved because, as set forth in Defendants' response to Request Nos. 31  
26 through 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any

documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

**REQUEST FOR PRODUCTION NO. 46 (INCORRECTLY NUMBERED AS REQUEST NO. 45):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Gabriel Poncio regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project’s inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 46 (INCORRECTLY NUMBERED AS REQUEST NO. 45):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Gabriel Poncio regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity.

1 Defendants further object to this Request to the extent that it seeks documents that  
2 are irrelevant or not proportional to the needs of the case. Defendants further object  
3 to this Request to the extent that it seeks documents or information protected by the  
4 attorney-client privilege, work-product doctrine, the common interest privilege, or  
5 any other applicable privilege, protection, or immunity. Defendants further object  
6 to this Request to the extent that it seeks documents outside Defendants' possession,  
7 custody, or control. Defendants further object to this Request to the extent that such  
8 documents or information are duplicative or cumulative of documents or  
9 information that have already been produced to Plaintiff by other sources.

10 Subject to and without waiving the foregoing objections, Defendants will  
11 produce any Documents sent to, or received by, Gabriel Poncio to the extent such  
12 Documents are within the scope of Defendants' agreed-upon production in response  
13 to the other Requests.

14 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

15 Mr. Poncio is an employee or agent of Defendants and involved with the  
16 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
17 sent to Mr. Poncio related to the Metacard NFT or Bored Jerky project. The Bored  
18 Jerky project was offered as an out to Metacard purchasers three years later.

19 These areas of inquiry are discoverable in this case. There was no declaration  
20 regarding how unduly burdensome or difficult this would be, just a vague promise  
21 to subsequently produce a document sent to or received by Mr. Poncio in response  
22 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
23 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
24 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
25 to know if any documents are being withheld or not identified based on the  
26 objections or the responses.

27 Defendant's refuse to indicate whether or not this witness is a third party,  
28 who would be subject to a subpoena per Rule 45.

1 Defendants need to provide a response that all documents, except privileged  
2 documents, are being produced, along with a privilege log.

3 **DEFENDANTS' POSITION:**

4 Request Nos. 31 through 55 broadly seek all documents “regarding the  
5 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
6 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
7 even employees or agents of Defendants. These overly broad, generalized Requests  
8 are wholly improper.

9 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
10 subject matter of this litigation from a particular individual are overly broad and  
11 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
12 “all documents” and “all communications” relating to a variety of topics do not  
13 describe with “reasonable particularity” what categories of documents should be  
14 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
15 discovery process of negotiating document custodians, collecting documents from  
16 the agreed-upon custodians, and conducting searches for responsive documents  
17 within the custodial files using negotiated search parameters.

18 *Second*, Plaintiff requests documents from individuals who had no  
19 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
20 this litigation. Defendants should not be compelled to collect documents from such  
21 individuals, as that would impose an unreasonable burden disproportionate to the  
22 needs of the case.

23 *Third*, Plaintiff requests documents from individuals who are outside of the  
24 Defendants’ control. Defendants cannot be compelled to search for or produce  
25 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
26 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
27 2025) (denying request to compel because parties “cannot be compelled to provide  
28 documents that are not within its possession, custody, or control.”); *Travelers*

1 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
2 “cannot compel Defendant to produce or answer about documents or information  
3 not in its care, custody, or control”).

4 *Fourth*, Defendants have no obligation to identify whether the individuals  
5 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
6 disclosures—which the parties agreed to exchange after resolution of the motion to  
7 dismiss—will clarify which individuals are relevant witnesses and which  
8 individuals are Defendants’ agents.

9 During the parties’ conferences, Defendants proposed that this issue could  
10 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
11 through 55, Defendants will produce any responsive documents within the scope of  
12 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
13 that they would provide a privilege log associated with the production if any  
14 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
15 stated that their initial disclosures would clarify which individuals are relevant  
16 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
17 Defendants agreed to produce documents in response to this Request before the fact  
18 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
19 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
20 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
21 5099748, at \*1 (denying motion to compel where “the producing parties have  
22 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
23 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
24 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
25 compel document production was premature when the parties still had 1.5 months  
26 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
27 was premature where deadline to respond had not elapsed).

28 ///



**REQUEST FOR PRODUCTION NO. 47 (INCORRECTLY NUMBERED AS REQUEST NO. 46):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Tyler Chaffee regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project's inception through post-sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 47 (INCORRECTLY NUMBERED AS REQUEST NO. 46):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks "all" Documents "sent to, or received by[,] Tyler Chaffee regarding the Metacard NFT Project and/or Bored Jerky." Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants' possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will produce any Documents sent to, or received by, Tyler Chaffee to the extent such Documents are within the scope of Defendants' agreed-upon production in response to the other Requests.

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1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Chaffee is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Chaffee related to the Metacard NFT or Bored Jerky project. The Bored  
5 Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Chaffee in response  
9 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be

1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could  
25 be resolved because, as set forth in Defendants' response to Request Nos. 31  
26 through 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any

documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

**REQUEST FOR PRODUCTION NO. 48 (INCORRECTLY NUMBERED AS REQUEST NO. 47):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Cousin Jay regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project’s inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 48 (INCORRECTLY NUMBERED AS REQUEST NO. 47):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Cousin Jay regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that the person to whom “Cousin Jay” refers is ambiguous. Defendants further

1 object to this Request because it fails to identify the requested documents with  
2 reasonable particularity. Defendants further object to this Request to the extent that  
3 it seeks documents that are irrelevant or not proportional to the needs of the case.  
4 Defendants further object to this Request to the extent that it seeks documents or  
5 information protected by the attorney-client privilege, work-product doctrine, the  
6 common interest privilege, or any other applicable privilege, protection, or  
7 immunity. Defendants further object to this Request to the extent that it seeks  
8 documents outside Defendants' possession, custody, or control. Defendants further  
9 object to this Request to the extent that such documents or information are  
10 duplicative or cumulative of documents or information that have already been  
11 produced to Plaintiff by other sources.

12 Subject to and without waiving the foregoing objections, Defendants will  
13 produce any Documents sent to, or received by, "Cousin Jay" to the extent such  
14 Documents are within the scope of Defendants' agreed-upon production in response  
15 to the other Requests.

16 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

17 Mr. Jay is an employee or agent of Defendants and involved with the  
18 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
19 sent to Mr. Jay related to the Metacard NFT or Bored Jerky project. The Bored  
20 Jerky project was offered as an out to Metacard purchasers three years later.

21 These areas of inquiry are discoverable in this case. There was no declaration  
22 regarding how unduly burdensome or difficult this would be, just a vague promise  
23 to subsequently produce a document sent to or received by Mr. Jay in response to  
24 **other** requests. That is also after all the objections. Fed. R. Civ. P.  
25 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
26 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
27 to know if any documents are being withheld or not identified based on the  
28 objections or the responses.

1 Defendant's refuse to indicate whether or not this witness is a third party,  
2 who would be subject to a subpoena per Rule 45.

3 Defendants need to provide a response that all documents, except privileged  
4 documents, are being produced, along with a privilege log.

5 **DEFENDANTS' POSITION:**

6 Request Nos. 31 through 55 broadly seek all documents "regarding the  
7 Metacard NFT Project and/or Bored Jerky" from various individuals, some of  
8 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
9 even employees or agents of Defendants. These overly broad, generalized Requests  
10 are wholly improper.

11 *First*, Plaintiff's Requests for all documents with potential relevance to the  
12 subject matter of this litigation from a particular individual are overly broad and  
13 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
14 "all documents" and "all communications" relating to a variety of topics do not  
15 describe with "reasonable particularity" what categories of documents should be  
16 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
17 discovery process of negotiating document custodians, collecting documents from  
18 the agreed-upon custodians, and conducting searches for responsive documents  
19 within the custodial files using negotiated search parameters.

20 *Second*, Plaintiff requests documents from individuals who had no  
21 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
22 this litigation. Defendants should not be compelled to collect documents from such  
23 individuals, as that would impose an unreasonable burden disproportionate to the  
24 needs of the case.

25 *Third*, Plaintiff requests documents from individuals who are outside of the  
26 Defendants' control. Defendants cannot be compelled to search for or produce  
27 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
28 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,



1 2025) (denying request to compel because parties “cannot be compelled to provide  
2 documents that are not within its possession, custody, or control.”); *Travelers*  
3 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
4 “cannot compel Defendant to produce or answer about documents or information  
5 not in its care, custody, or control”).

6 *Fourth*, Defendants have no obligation to identify whether the individuals  
7 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
8 disclosures—which the parties agreed to exchange after resolution of the motion to  
9 dismiss—will clarify which individuals are relevant witnesses and which  
10 individuals are Defendants’ agents.

11 During the parties’ conferences, Defendants proposed that this issue could  
12 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
13 through 55, Defendants will produce any responsive documents within the scope of  
14 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
15 that they would provide a privilege log associated with the production if any  
16 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
17 stated that their initial disclosures would clarify which individuals are relevant  
18 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
19 Defendants agreed to produce documents in response to this Request before the fact  
20 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
21 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
22 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
23 5099748, at \*1 (denying motion to compel where “the producing parties have  
24 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
25 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
26 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
27 compel document production was premature when the parties still had 1.5 months  
28 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel

1 was premature where deadline to respond had not elapsed).

2 **REQUEST FOR PRODUCTION NO. 49 (INCORRECTLY NUMBERED AS REQUEST NO.**  
3 **48):**

4 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
5 MESSAGES) sent to, or received by Alex Lawrence regarding the Metacard NFT  
6 Project and/or Bored Jerky. This includes emails, text messages, internal chat logs  
7 (e.g., Slack or Discord servers used by the team), or memoranda from the project's  
8 inception through post- sale.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 49 (INCORRECTLY NUMBERED AS**  
10 **REQUEST NO. 48):**

11 In addition to their General Objections, Defendants specifically object to this  
12 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
13 "all" Documents "sent to, or received by[,] Alex Lawrence regarding the Metacard  
14 NFT Project and/or Bored Jerky." Defendants further object to this Request on the  
15 basis that it fails to identify the requested documents with reasonable particularity.  
16 Defendants further object to this Request to the extent that it seeks documents that  
17 are irrelevant or not proportional to the needs of the case. Defendants further object  
18 to this Request to the extent that it seeks documents or information protected by the  
19 attorney-client privilege, work-product doctrine, the common interest privilege, or  
20 any other applicable privilege, protection, or immunity. Defendants further object  
21 to this Request to the extent that it seeks documents outside Defendants' possession,  
22 custody, or control. Defendants further object to this Request to the extent that such  
23 documents or information are duplicative or cumulative of documents or  
24 information that have already been produced to Plaintiff by other sources.

25 Subject to and without waiving the foregoing objections, Defendants will  
26 produce any Documents sent to, or received by, Alex Lawrence to the extent such  
27 Documents are within the scope of Defendants' agreed-upon production in response  
28 to the other Requests.

1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Lawrence is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Lawrence related to the Metacard NFT or Bored Jerky project. The  
5 Bored Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Lawrence in  
9 response to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be

1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could  
25 be resolved because, as set forth in Defendants' response to Request Nos. 31  
26 through 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any

documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

**REQUEST FOR PRODUCTION NO. 50 (INCORRECTLY NUMBERED AS REQUEST NO. 49):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Daryl Boodhoo regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project’s inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 50 (INCORRECTLY NUMBERED AS REQUEST NO. 49):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Daryl Boodhoo regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity.

1 Defendants further object to this Request to the extent that it seeks documents that  
2 are irrelevant or not proportional to the needs of the case. Defendants further object  
3 to this Request to the extent that it seeks documents or information protected by the  
4 attorney-client privilege, work-product doctrine, the common interest privilege, or  
5 any other applicable privilege, protection, or immunity. Defendants further object  
6 to this Request to the extent that it seeks documents outside Defendants' possession,  
7 custody, or control. Defendants further object to this Request to the extent that such  
8 documents or information are duplicative or cumulative of documents or  
9 information that have already been produced to Plaintiff by other sources.

10 Subject to and without waiving the foregoing objections, Defendants will  
11 produce any Documents sent to, or received by, Daryl Boodhoo to the extent such  
12 Documents are within the scope of Defendants' agreed-upon production in response  
13 to the other Requests.

14 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

15 Mr. Boodhoo is an employee or agent of Defendants and involved with the  
16 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
17 sent to Mr. Boodhoo related to the Metacard NFT or Bored Jerky project. The Bored  
18 Jerky project was offered as an out to Metacard purchasers three years later.

19 These areas of inquiry are discoverable in this case. There was no declaration  
20 regarding how unduly burdensome or difficult this would be, just a vague promise  
21 to subsequently produce a document sent to or received by Mr. Boodhoo in  
22 response to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
23 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
24 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
25 to know if any documents are being withheld or not identified based on the  
26 objections or the responses.

27 Defendant's refuse to indicate whether or not this witness is a third party,  
28 who would be subject to a subpoena per Rule 45.



1 Defendants need to provide a response that all documents, except privileged  
2 documents, are being produced, along with a privilege log.

3 **DEFENDANTS' POSITION:**

4 Request Nos. 31 through 55 broadly seek all documents “regarding the  
5 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
6 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
7 even employees or agents of Defendants. These overly broad, generalized Requests  
8 are wholly improper.

9 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
10 subject matter of this litigation from a particular individual are overly broad and  
11 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
12 “all documents” and “all communications” relating to a variety of topics do not  
13 describe with “reasonable particularity” what categories of documents should be  
14 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
15 discovery process of negotiating document custodians, collecting documents from  
16 the agreed-upon custodians, and conducting searches for responsive documents  
17 within the custodial files using negotiated search parameters.

18 *Second*, Plaintiff requests documents from individuals who had no  
19 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
20 this litigation. Defendants should not be compelled to collect documents from such  
21 individuals, as that would impose an unreasonable burden disproportionate to the  
22 needs of the case.

23 *Third*, Plaintiff requests documents from individuals who are outside of the  
24 Defendants’ control. Defendants cannot be compelled to search for or produce  
25 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
26 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
27 2025) (denying request to compel because parties “cannot be compelled to provide  
28 documents that are not within its possession, custody, or control.”); *Travelers*

1 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
2 “cannot compel Defendant to produce or answer about documents or information  
3 not in its care, custody, or control”).

4 *Fourth*, Defendants have no obligation to identify whether the individuals  
5 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
6 disclosures—which the parties agreed to exchange after resolution of the motion to  
7 dismiss—will clarify which individuals are relevant witnesses and which  
8 individuals are Defendants’ agents.

9 During the parties’ conferences, Defendants proposed that this issue could  
10 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
11 through 55, Defendants will produce any responsive documents within the scope of  
12 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
13 that they would provide a privilege log associated with the production if any  
14 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
15 stated that their initial disclosures would clarify which individuals are relevant  
16 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
17 Defendants agreed to produce documents in response to this Request before the fact  
18 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
19 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
20 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
21 5099748, at \*1 (denying motion to compel where “the producing parties have  
22 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
23 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
24 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
25 compel document production was premature when the parties still had 1.5 months  
26 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
27 was premature where deadline to respond had not elapsed).

28 ///

**REQUEST FOR PRODUCTION NO. 51 (INCORRECTLY NUMBERED AS REQUEST NO. 50):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Nafis Etemadi regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project's inception through post-sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 51 (INCORRECTLY NUMBERED AS REQUEST NO. 50):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks "all" Documents "sent to, or received by[,] Nafis Etemadi regarding the Metacard NFT Project and/or Bored Jerky." Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants' possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will produce any Documents sent to, or received by, Nafis Etemadi to the extent such Documents are within the scope of Defendants' agreed-upon production in response to the other Requests.

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1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Etemadi is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Etemadi related to the Metacard NFT or Bored Jerky project. The Bored  
5 Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Etemadi in response  
9 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be

1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could  
25 be resolved because, as set forth in Defendants' response to Request Nos. 31  
26 through 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any

documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

**REQUEST FOR PRODUCTION NO. 52 (INCORRECTLY NUMBERED AS REQUEST NO. 51):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Austin Ermes regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project’s inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 52 (INCORRECTLY NUMBERED AS REQUEST NO. 51):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Austin Ermes regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity.



1 Defendants further object to this Request to the extent that it seeks documents that  
2 are irrelevant or not proportional to the needs of the case. Defendants further object  
3 to this Request to the extent that it seeks documents or information protected by the  
4 attorney-client privilege, work-product doctrine, the common interest privilege, or  
5 any other applicable privilege, protection, or immunity. Defendants further object  
6 to this Request to the extent that it seeks documents outside Defendants' possession,  
7 custody, or control. Defendants further object to this Request to the extent that such  
8 documents or information are duplicative or cumulative of documents or  
9 information that have already been produced to Plaintiff by other sources.

10 Subject to and without waiving the foregoing objections, Defendants will  
11 produce any Documents sent to, or received by, Austin Ermes to the extent such  
12 Documents are within the scope of Defendants' agreed-upon production in response  
13 to the other Requests.

14 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

15 Mr. Ermes is an employee or agent of Defendants and involved with the  
16 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
17 sent to Mr. Ermes related to the Metacard NFT or Bored Jerky project. The Bored  
18 Jerky project was offered as an out to Metacard purchasers three years later.

19 These areas of inquiry are discoverable in this case. There was no declaration  
20 regarding how unduly burdensome or difficult this would be, just a vague promise  
21 to subsequently produce a document sent to or received by Mr. Ermes in response  
22 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
23 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
24 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
25 to know if any documents are being withheld or not identified based on the  
26 objections or the responses.

27 Defendant's refuse to indicate whether or not this witness is a third party,  
28 who would be subject to a subpoena per Rule 45.

1 Defendants need to provide a response that all documents, except privileged  
2 documents, are being produced, along with a privilege log.

3 **DEFENDANTS' POSITION:**

4 Request Nos. 31 through 55 broadly seek all documents “regarding the  
5 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
6 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
7 even employees or agents of Defendants. These overly broad, generalized Requests  
8 are wholly improper.

9 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
10 subject matter of this litigation from a particular individual are overly broad and  
11 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
12 “all documents” and “all communications” relating to a variety of topics do not  
13 describe with “reasonable particularity” what categories of documents should be  
14 produced). Plaintiff’s Requests improperly attempt to circumvent the accepted  
15 discovery process of negotiating document custodians, collecting documents from  
16 the agreed-upon custodians, and conducting searches for responsive documents  
17 within the custodial files using negotiated search parameters.

18 *Second*, Plaintiff requests documents from individuals who had no  
19 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
20 this litigation. Defendants should not be compelled to collect documents from such  
21 individuals, as that would impose an unreasonable burden disproportionate to the  
22 needs of the case.

23 *Third*, Plaintiff requests documents from individuals who are outside of the  
24 Defendants’ control. Defendants cannot be compelled to search for or produce  
25 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
26 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
27 2025) (denying request to compel because parties “cannot be compelled to provide  
28 documents that are not within its possession, custody, or control.”); *Travelers*

1 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
2 “cannot compel Defendant to produce or answer about documents or information  
3 not in its care, custody, or control”).

4 *Fourth*, Defendants have no obligation to identify whether the individuals  
5 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
6 disclosures—which the parties agreed to exchange after resolution of the motion to  
7 dismiss—will clarify which individuals are relevant witnesses and which  
8 individuals are Defendants’ agents.

9 During the parties’ conferences, Defendants proposed that this issue could  
10 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
11 through 55, Defendants will produce any responsive documents within the scope of  
12 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
13 that they would provide a privilege log associated with the production if any  
14 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
15 stated that their initial disclosures would clarify which individuals are relevant  
16 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
17 Defendants agreed to produce documents in response to this Request before the fact  
18 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
19 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
20 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
21 5099748, at \*1 (denying motion to compel where “the producing parties have  
22 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
23 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
24 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
25 compel document production was premature when the parties still had 1.5 months  
26 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel  
27 was premature where deadline to respond had not elapsed).

28 ///

**REQUEST FOR PRODUCTION NO. 53 (INCORRECTLY NUMBERED AS REQUEST NO. 52):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Alberto Morales regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project's inception through post-sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 53 (INCORRECTLY NUMBERED AS REQUEST NO. 52):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks "all" Documents "sent to, or received by[,] Alberto Morales regarding the Metacard NFT Project and/or Bored Jerky." Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable particularity. Defendants further object to this Request to the extent that it seeks documents that are irrelevant or not proportional to the needs of the case. Defendants further object to this Request to the extent that it seeks documents or information protected by the attorney-client privilege, work-product doctrine, the common interest privilege, or any other applicable privilege, protection, or immunity. Defendants further object to this Request to the extent that it seeks documents outside Defendants' possession, custody, or control. Defendants further object to this Request to the extent that such documents or information are duplicative or cumulative of documents or information that have already been produced to Plaintiff by other sources.

Subject to and without waiving the foregoing objections, Defendants will produce any Documents sent to, or received by, Alberto Morales to the extent such Documents are within the scope of Defendants' agreed-upon production in response to the other Requests.

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1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Morales is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Morales related to the Metacard NFT or Bored Jerky project. The Bored  
5 Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Morales in response  
9 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be

1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could  
25 be resolved because, as set forth in Defendants' response to Request Nos. 31  
26 through 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any



documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

**REQUEST FOR PRODUCTION NO. 54 (INCORRECTLY NUMBERED AS REQUEST NO. 53):**

All DOCUMENTS (including, but not limited to, EMAILS and TEXT MESSAGES) sent to, or received by Courtney Lorenz regarding the Metacard NFT Project and/or Bored Jerky. This includes emails, text messages, internal chat logs (e.g., Slack or Discord servers used by the team), or memoranda from the project’s inception through post- sale.

**RESPONSE TO REQUEST FOR PRODUCTION NO. 54 (INCORRECTLY NUMBERED AS REQUEST NO. 53):**

In addition to their General Objections, Defendants specifically object to this Request on the grounds that it is overbroad and unduly burdensome because it seeks “all” Documents “sent to, or received by[,] Courtney Lorenz regarding the Metacard NFT Project and/or Bored Jerky.” Defendants further object to this Request on the basis that it fails to identify the requested documents with reasonable

1 particularity. Defendants further object to this Request to the extent that it seeks  
2 documents that are irrelevant or not proportional to the needs of the case.  
3 Defendants further object to this Request to the extent that it seeks documents or  
4 information protected by the attorney-client privilege, work-product doctrine, the  
5 common interest privilege, or any other applicable privilege, protection, or  
6 immunity. Defendants further object to this Request to the extent that it seeks  
7 documents outside Defendants' possession, custody, or control. Defendants further  
8 object to this Request to the extent that such documents or information are  
9 duplicative or cumulative of documents or information that have already been  
10 produced to Plaintiff by other sources.

11 Subject to and without waiving the foregoing objections, Defendants will  
12 produce any Documents sent to, or received by, Courtney Lorenz to the extent such  
13 Documents are within the scope of Defendants' agreed-upon production in response  
14 to the other Requests.

15 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

16 Ms. Lorenz is an employee or agent of Defendants and involved with the  
17 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
18 sent to Ms. Lorenz related to the Metacard NFT or Bored Jerky project. The Bored  
19 Jerky project was offered as an out to Metacard purchasers three years later.

20 These areas of inquiry are discoverable in this case. There was no declaration  
21 regarding how unduly burdensome or difficult this would be, just a vague promise  
22 to subsequently produce a document sent to or received by Ms. Lorenz in response  
23 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
24 34(b)(2)(C) ("An objection must state whether any responsive materials are being  
25 withheld on the basis of that objection."). There is no way for Plaintiff or the Court  
26 to know if any documents are being withheld or not identified based on the  
27 objections or the responses.

28 ///

1 Defendant's refuse to indicate whether or not this witness is a third party,  
2 who would be subject to a subpoena per Rule 45.

3 Defendants need to provide a response that all documents, except privileged  
4 documents, are being produced, along with a privilege log.

5 **DEFENDANTS' POSITION:**

6 Request Nos. 31 through 55 broadly seek all documents "regarding the  
7 Metacard NFT Project and/or Bored Jerky" from various individuals, some of  
8 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
9 even employees or agents of Defendants. These overly broad, generalized Requests  
10 are wholly improper.

11 *First*, Plaintiff's Requests for all documents with potential relevance to the  
12 subject matter of this litigation from a particular individual are overly broad and  
13 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
14 "all documents" and "all communications" relating to a variety of topics do not  
15 describe with "reasonable particularity" what categories of documents should be  
16 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
17 discovery process of negotiating document custodians, collecting documents from  
18 the agreed-upon custodians, and conducting searches for responsive documents  
19 within the custodial files using negotiated search parameters.

20 *Second*, Plaintiff requests documents from individuals who had no  
21 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
22 this litigation. Defendants should not be compelled to collect documents from such  
23 individuals, as that would impose an unreasonable burden disproportionate to the  
24 needs of the case.

25 *Third*, Plaintiff requests documents from individuals who are outside of the  
26 Defendants' control. Defendants cannot be compelled to search for or produce  
27 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
28 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,

1 2025) (denying request to compel because parties “cannot be compelled to provide  
2 documents that are not within its possession, custody, or control.”); *Travelers*  
3 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
4 “cannot compel Defendant to produce or answer about documents or information  
5 not in its care, custody, or control”).

6 *Fourth*, Defendants have no obligation to identify whether the individuals  
7 named in Request Nos. 31 through 55 are third parties, and Defendants’ initial  
8 disclosures—which the parties agreed to exchange after resolution of the motion to  
9 dismiss—will clarify which individuals are relevant witnesses and which  
10 individuals are Defendants’ agents.

11 During the parties’ conferences, Defendants proposed that this issue could  
12 be resolved because, as set forth in Defendants’ response to Request Nos. 31  
13 through 55, Defendants will produce any responsive documents within the scope of  
14 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
15 that they would provide a privilege log associated with the production if any  
16 documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants  
17 stated that their initial disclosures would clarify which individuals are relevant  
18 witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because  
19 Defendants agreed to produce documents in response to this Request before the fact  
20 discovery cut-off in June 2026, and the parties agreed that initial disclosures would  
21 not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this  
22 Request is premature and should be denied. *See Thunder Studios*, 2018 WL  
23 5099748, at \*1 (denying motion to compel where “the producing parties have  
24 actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL  
25 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that  
26 they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to  
27 compel document production was premature when the parties still had 1.5 months  
28 until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel

1 was premature where deadline to respond had not elapsed).

2 **REQUEST FOR PRODUCTION NO. 55 (INCORRECTLY NUMBERED AS REQUEST NO.**  
3 **54):**

4 All DOCUMENTS (including, but not limited to, EMAILS and TEXT  
5 MESSAGES) sent to, or received by Alex Steele regarding the Metacard NFT  
6 Project and/or Bored Jerky. This includes emails, text messages, internal chat logs  
7 (e.g., Slack or Discord servers used by the team), or memoranda from the project's  
8 inception through post- sale.

9 **RESPONSE TO REQUEST FOR PRODUCTION NO. 55 (INCORRECTLY NUMBERED AS**  
10 **REQUEST NO. 54):**

11 In addition to their General Objections, Defendants specifically object to this  
12 Request on the grounds that it is overbroad and unduly burdensome because it seeks  
13 "all" Documents "sent to, or received by[,] Alex Steele regarding the Metacard NFT  
14 Project and/or Bored Jerky." Defendants further object to this Request on the basis  
15 that it fails to identify the requested documents with reasonable particularity.  
16 Defendants further object to this Request to the extent that it seeks documents that  
17 are irrelevant or not proportional to the needs of the case. Defendants further object  
18 to this Request to the extent that it seeks documents or information protected by the  
19 attorney-client privilege, work-product doctrine, the common interest privilege, or  
20 any other applicable privilege, protection, or immunity. Defendants further object  
21 to this Request to the extent that it seeks documents outside Defendants' possession,  
22 custody, or control. Defendants further object to this Request to the extent that such  
23 documents or information are duplicative or cumulative of documents or  
24 information that have already been produced to Plaintiff by other sources.

25 Subject to and without waiving the foregoing objections, Defendants will  
26 produce any Documents sent to, or received by, Alex Steele to the extent such  
27 Documents are within the scope of Defendants' agreed-upon production in response  
28 to the other Requests.

1 **LEGAL AND FACTUAL REASONS WHY A FURTHER RESPONSE IS NECESSARY**

2 Mr. Steele is an employee or agent of Defendants and involved with the  
3 Metacard NFT or Bored Jerky project. The request seeks any documents sent by or  
4 sent to Mr. Steele related to the Metacard NFT or Bored Jerky project. The Bored  
5 Jerky project was offered as an out to Metacard purchasers three years later.

6 These areas of inquiry are discoverable in this case. There was no declaration  
7 regarding how unduly burdensome or difficult this would be, just a vague promise  
8 to subsequently produce a document sent to or received by Mr. Steele in response  
9 to **other** requests. That is also after all the objections. Fed. R. Civ. P.  
10 34(b)(2)(C) (“An objection must state whether any responsive materials are being  
11 withheld on the basis of that objection.”). There is no way for Plaintiff or the Court  
12 to know if any documents are being withheld or not identified based on the  
13 objections or the responses.

14 Defendant’s refuse to indicate whether or not this witness is a third party,  
15 who would be subject to a subpoena per Rule 45.

16 Defendants need to provide a response that all documents, except privileged  
17 documents, are being produced, along with a privilege log.

18 **DEFENDANTS’ POSITION:**

19 Request Nos. 31 through 55 broadly seek all documents “regarding the  
20 Metacard NFT Project and/or Bored Jerky” from various individuals, some of  
21 whom had nothing to do with Metacard or Bored Jerky, and some of whom are not  
22 even employees or agents of Defendants. These overly broad, generalized Requests  
23 are wholly improper.

24 *First*, Plaintiff’s Requests for all documents with potential relevance to the  
25 subject matter of this litigation from a particular individual are overly broad and  
26 unduly burdensome. *See Rojas*, 2020 WL 8617414, at \*2 (sweeping requests for  
27 “all documents” and “all communications” relating to a variety of topics do not  
28 describe with “reasonable particularity” what categories of documents should be



1 produced). Plaintiff's Requests improperly attempt to circumvent the accepted  
2 discovery process of negotiating document custodians, collecting documents from  
3 the agreed-upon custodians, and conducting searches for responsive documents  
4 within the custodial files using negotiated search parameters.

5 *Second*, Plaintiff requests documents from individuals who had no  
6 involvement with Metacard or Bored Jerky and are therefore wholly irrelevant to  
7 this litigation. Defendants should not be compelled to collect documents from such  
8 individuals, as that would impose an unreasonable burden disproportionate to the  
9 needs of the case.

10 *Third*, Plaintiff requests documents from individuals who are outside of the  
11 Defendants' control. Defendants cannot be compelled to search for or produce  
12 documents outside of their possession, custody, or control. *See Welland Indus. LLC*  
13 *v. De Well Container Shipping, Inc.*, 2025 WL 1421277, at \*2 (C.D. Cal. Apr. 30,  
14 2025) (denying request to compel because parties "cannot be compelled to provide  
15 documents that are not within its possession, custody, or control."); *Travelers*  
16 *Indem. Co. v. Goldman*, 2020 WL 5372108, at \*10 (C.D. Cal. May 8, 2020) (court  
17 "cannot compel Defendant to produce or answer about documents or information  
18 not in its care, custody, or control").

19 *Fourth*, Defendants have no obligation to identify whether the individuals  
20 named in Request Nos. 31 through 55 are third parties, and Defendants' initial  
21 disclosures—which the parties agreed to exchange after resolution of the motion to  
22 dismiss—will clarify which individuals are relevant witnesses and which  
23 individuals are Defendants' agents.

24 During the parties' conferences, Defendants proposed that this issue could be  
25 resolved because, as set forth in Defendants' response to Request Nos. 31 through  
26 55, Defendants will produce any responsive documents within the scope of  
27 production in response to other Requests. Li Decl. ¶¶ 10, 14. Defendants also stated  
28 that they would provide a privilege log associated with the production if any

documents were withheld on the basis of privilege. *Id.* ¶ 15. Further, Defendants stated that their initial disclosures would clarify which individuals are relevant witnesses and which individuals are Defendants’ agents. *Id.* ¶ 14. Because Defendants agreed to produce documents in response to this Request before the fact discovery cut-off in June 2026, and the parties agreed that initial disclosures would not be exchanged until after the motion to dismiss, Plaintiff’s dispute over this Request is premature and should be denied. *See Thunder Studios*, 2018 WL 5099748, at \*1 (denying motion to compel where “the producing parties have actually agreed to produce all responsive documents”); *ViaSat, Inc.*, 2013 WL 3467413, at \*7 (dispute was not ripe until plaintiffs produced the documents that they “already offered to produce”); *Scanlon*, 2020 WL 7360543, at \*4 (motion to compel document production was premature when the parties still had 1.5 months until the discovery cut-off); *Grigsby*, 2015 WL 1671257, at \*3 (motion to compel was premature where deadline to respond had not elapsed).

## VII. PROTECTIVE ORDER

### PLAINTIFF’S TEXT RE: LAST CLAUSE IN DISPUTE

After the final disposition of this Action, as defined in paragraph 4, within 60 days of a written request by the Designating Party, each Receiving Party must return all Protected Material to the Producing Party or destroy such material. Designating Party’s counsel agrees to maintain records for five years after the written request. As used in this subdivision, “all Protected Material” includes all copies, abstracts, compilations, summaries, and any other format reproducing or capturing any of the Protected Material. Whether the Protected Material is returned or destroyed, the Receiving Party must submit a written certification to the Producing Party (and, if not the same person or entity, to the Designating Party) by the 60 day deadline that (1) identifies (by category, where appropriate) all the Protected Material that was returned or destroyed and (2) affirms that the Receiving Party has not retained any copies, abstracts, compilations, summaries or any other

1 format reproducing or capturing any of the Protected Material. Notwithstanding this  
2 provision, Counsel are entitled to retain an archival copy of all pleadings, motion  
3 papers, trial, deposition, and hearing transcripts, legal memoranda, correspondence,  
4 deposition and trial exhibits, expert reports, attorney work product, and consultant  
5 and expert work product, even if such materials contain Protected Material. Any  
6 such archival copies that contain or constitute Protected Material remain subject to  
7 this Protective Order as set forth in Section 4 (DURATION).

8 Any willful violation of the Order may be punished by civil or criminal  
9 contempt proceedings, financial or evidentiary sanctions, reference to disciplinary  
10 authorities, or other appropriate action at the discretion of the Court.

11 **DEFENDANTS' TEXT RE: LAST CLAUSE IN DISPUTE**

12 After the final disposition of this Action, as defined in paragraph 4, within  
13 60 days of a written request by the Designating Party, each Receiving Party must  
14 return all Protected Material to the Producing Party or destroy such material. As  
15 used in this subdivision, "all Protected Material" includes all copies, abstracts,  
16 compilations, summaries, and any other format reproducing or capturing any of the  
17 Protected Material. Whether the Protected Material is returned or destroyed, the  
18 Receiving Party must submit a written certification to the Producing Party (and, if  
19 not the same person or entity, to the Designating Party) by the 60 day deadline that  
20 (1) identifies (by category, where appropriate) all the Protected Material that was  
21 returned or destroyed and (2) affirms that the Receiving Party has not retained any  
22 copies, abstracts, compilations, summaries or any other format reproducing or  
23 capturing any of the Protected Material. Notwithstanding this provision, Counsel  
24 are entitled to retain an archival copy of all pleadings, motion papers, trial,  
25 deposition, and hearing transcripts, legal memoranda, correspondence, deposition  
26 and trial exhibits, expert reports, attorney work product, and consultant and expert  
27 work product, even if such materials contain Protected Material. Any such archival  
28

1 copies that contain or constitute Protected Material remain subject to this Protective  
2 Order as set forth in Section 4 (DURATION).

3 Any willful violation of the Order may be punished by civil or criminal  
4 contempt proceedings, financial or evidentiary sanctions, reference to disciplinary  
5 authorities, or other appropriate action at the discretion of the Court.

6 **PLAINTIFF'S POSITION**

7 Plaintiff simply wants to make sure documents that are part of the file are  
8 maintained properly after the case. As a compromise, Plaintiff suggested that  
9 Defendants hold onto the documents, rather than Plaintiff.

10 **DEFENDANTS' POSITION:**

11 Plaintiff's proposed addition to the protective order seeks to impose an  
12 obligation on Defendants' counsel that goes beyond any obligation required by law.  
13 Specifically, Plaintiff seeks to require Defendants' counsel to retain Defendants'  
14 documents for five years after the final disposition of this action. In other words,  
15 Plaintiff seeks to govern how Defendants' counsel manages its obligations to its  
16 own clients. Plaintiff cannot cite to a single authority showing that imposing such  
17 an obligation on a counterparty is proper. During the parties' conferences,  
18 Defendants stated that Plaintiff's proposed addition should not be included in the  
19 protective order because each party's counsel could manage its own client  
20 document retention decisions. Li Decl. ¶ 17.

21 **VIII. PLAINTIFF'S CONCLUSION:**

22 For the foregoing reasons, Plaintiff respectfully request that this Court issue  
23 an Order that Defendants provide amended further responses to interrogatories 2,  
24 3, 7 and 8, and requests for production of documents numbers 1 to 24, and 26 to 54,  
25 without non privilege objections within (10) days, any privilege log (for attorney  
26 client or attorney work product privilege), along with all responsive documents, and  
27 entry of a Protective Order regarding maintaining documents post litigation with  
28 Plaintiff's compromise, along with all responsive documents

**IX. DEFENDANT’S CONCLUSION:**

For the foregoing reasons, Defendants respectfully request that Plaintiffs’ motion to compel be denied in its entirety.

Dated: September 23, 2025

Respectfully submitted,

**KRISTENSEN LAW GROUP ||  
EKSM, LLP**

*/s/ John P. Kristensen*

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1 Dated: September 23, 2025

Respectfully submitted,

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24 *Inc., and Kyle Forgeard*



**LOCAL RULE 5-4.3.4(a)(2)(i) CERTIFICATION**

The undersigned attests that all other signatories listed above on whose behalf this filing is submitted concur in the filing's content and have authorized the filing.

/s/ John P. Kristensen

John P. Kristensen

**CERTIFICATE OF SERVICE**

I certify that on Tuesday, September 23, 2025, a true and correct copy of the attached **JOINT STIPULATION RE: PLAINTIFF’S MOTION TO OVERRULE GENERAL AND BOILERPLATE OBJECTIONS, COMPEL FURTHER RESPONSES TO DISCOVERY & ENTER PROTECTIVE ORDER**, was served via CM/ECF to all participants of record, pursuant to Fed. R. Civ. P. 5:

/s/ John P. Kristensen

John P. Kristensen